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TRADE ASSOCIATIONS and COMPETITION LAW ENFORCEMENT

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I. What is a Trade Association (TA)?

- A **Trade Association** is an organization that works for the common good of a given industry and is **typically composed of undertakings operating at the same level* of production or distribution**
- Normally undertakings come together in the form of a Trade Association to share experiences and ideas that may contribute to the general improvement of the industry
- So Trade Associations **represent the interests of an industry *vis à vis* other industries, the public and governmental authorities**
- * Usually, but not necessarily: Trade Associations may also consist of firms operating at more than one level of the supply chain, see *Pabst & Richard/BNIA*, OJ 1976 L231/24, which concerned an association producers, cooperatives, distillers and brokers of Armagnac: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1976:231:0024:0029:EN:PDF>

What is a Trade Association for competition law purposes? (1)



In order for competition law to apply to an association two elements should be present:

1. The structural/organizational element: An association must have some lasting corporate structure.

The presence of a corporate structure is relevant in two respects. First, it distinguishes the association (and its antitrust liability) from that of its members. Second, the corporate structure is a factor that distinguishes an association from a mere joint activity of competing companies (such as an agreement).

The legal form of the association is, however, irrelevant, (see e.g. *Milchförderungsfonds*, 85/76, OJ 1985/35/35: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1985:035:0035:0042:EN:PDF>)

as it is irrelevant if the association has legal personality (see e.g. *Emo*, 79/37, OJ 1979 L11/16: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1979:011:0016:0023:EN:PDF>)

Also, competition rules equally apply to associations of associations (so-called second degree associations) see e.g.: *BPICA*, 77/722, OJ 1977 L299/18: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1977:299:0018:0026:EN:PDF>)

What is a Trade Association for competition law purposes? (2)



2. The functional element: An association must have the ability to affect an economic activity.

It is not required that the association itself is active on a market, but its activities must somehow **have an effect on competition**. Many associations perform functions that have no direct or indirect effect on the market, such as charities or cultural organizations. In this case, the association and its activities fall outside the scope of application of the competition rules.

It is irrelevant, however, for the applicability of competition rules, if a trade association is a profit-making organization

(see e.g. *Van Landewyck/Commission* [1980] ECR 3125:

<http://curia.europa.eu/juris/celex.jsf?celex=61978CJ0209&lang1=en&type=NOT&ancre=>

Similarly, the fact that an association is entrusted with public functions performed does not prevent the applicability of competition rules

(see e.g. *Pabst & Richard/BNIA*, OJ 1976 L231/24, [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1976:231:0024:0029:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1976:231:0024:0029:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1976:231:0024:0029:EN:PDF) , *ARROW/BNIC*, OJ 1982 L 379/1:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1982:379:0001:0018:EN:PDF>)

Trade Associations - A good thing?



Widely recognized that trade associations serve legitimate purposes, such as:

- the preparation of industry studies
- advocacy before government entities to bring to their attention industry-specific interests
- the development of guidelines for product standardization and safety
- the dissemination of aggregate market information to help firms make investment decisions
- the dissemination of good industry practices
- member education on regulatory compliance

Also Professional Associations:

- keep a register of the members of the profession
- promulgate standards of expertise/conduct to be maintained by members
- enforce these standards through a complaints and disciplinary procedure

II. Potential of Trade Associations (TA) to promote goals of competition law and policy



Trade associations may also:

- **educate members about proper antitrust compliance**
- **provide services benefiting smaller members thus enhancing their chances to compete with larger competitors**
- **increase the overall efficiency of the market**

III. Potential of TA to harm or hinder competition



However, participation in trade and professional associations' activities provide ample opportunities **for companies in the same line of business to meet regularly and to discuss business matters of common interest.**

Such meetings and discussions, even if meant to pursue legitimate association objectives, **bring together direct competitors and provide them with regular opportunities for exchanges of views on the market, which could easily spill over into illegal coordination.** Casual discussions of prices, quantities or future business strategies can lead to agreements or informal understandings in clear violation of antitrust rules. It is for this reason that trade associations and their activities are still subject to close scrutiny by competition authorities around the world.

IV. Types of activities of TAs relevant for competition law (1)



- **Cartel-type agreements**

(Usually forms of
horizontal conduct
absolutely prohibited)

- **Membership restrictions**
- **Codes of Conduct**
- **Uniform Sales
Conditions**
- **Information Exchanges**

(Usually forms of conduct
which may have
anticompetitive effect)

Forms of horizontal conduct absolutely prohibited (1):



1. The direct or indirect fixing of prices

Price fixing may involve **fixing the actual price** charged by the association's members **or one of its components**, such as **the level of discounts or allowances**, of the **transport fees**, of the **delivery charges** or the **level of payments for additional services**, **credit terms** or the **terms of guarantees**. The association may not fix the actual price but it may achieve the same or a similar result by **setting a target price or a minimum price**.

- Leading Example: *Belgian architects*, COMP 38.549, OJ 2005 L4/10: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:004:0010:0011:EN:PDF>

Equally restrictive is the practice of **coordinating the price increases** that the association's members can adopt vis-à-vis their customers, e.g. by limiting the members' freedom to determine **independently the amount** or the **percentage** by which prices are to be increased or by imposing a price range outside which prices cannot vary.

Forms of horizontal conduct absolutely prohibited (2):



2. The sharing of customers and/or markets

- An agreement to share markets has, **in economic terms, a similar effect to price fixing**, particularly when products are standardized. Customers will ultimately pay higher prices because of **the absence of competitive constraints** on the exclusive supplier.

- Market allocation may take different forms: companies can allocate to each other **individual customers** or **entire customer groups**; or they can assign to each other exclusive trading territories.

- **Specialization agreements** whereby each competitor specializes in the manufacture of certain products in a product range or in the manufacture of certain components of a product may have similar effects.

- Example: European cement cartel (the European producers of cement and their trade association agreed that each competitor would only sell in its home market and export the excess production at previously agreed terms. The market allocation scheme was complemented by a scheme to export outside the Community the excess production). See Decision of the European Commission, *Cement*, OJ 1994 L343/1: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1994:343:0001:0158:EN:PDF>

Forms of horizontal conduct absolutely prohibited (3):



3. *Collusive tendering and bid-rigging practices*

- Tenders are designed to achieve a competitive outcome in a situation where competition might otherwise be absent. An essential feature of a tendering system is that prospective suppliers **prepare and submit their bids independently**. If bidders agree amongst themselves on **who will or will not submit a bid**, and/or **who should win the tender** and/or **at what price**, this will almost invariably infringe competition rules.
- Collusive tendering requires active coordination amongst the prospective bidders and often entails a sophisticated monitoring system.
- In this respect, trade associations may function as a secretariat for the bid-rigging cartel and collect the information on intended quotes and allocate tenders amongst their members according to an agreed methodology.
- Example: The Dutch building and construction industry (*Building and Construction Industry in the Netherlands*, OJ [1992] L/92/1): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1992:092:0001:0030:EN:PDF>

Forms of horizontal conduct absolutely prohibited (4):



4. Limitation of production

■ Since the price of a good or service depends on the relationship between consumer demand and the availability of supplies of that product a limitation of output the producers is likely to cause prices to increase. Therefore, decisions of Trade Associations regarding **limitation of production is considered as harmful as fixing prices**

(see e.g. *Italian cast glass*, OJ 1980 L383/19: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1981:326:0032:0043:EN:PDF>)

5. Also almost always prohibited:

- ***joint selling,***
- ***collective negotiation,***
- ***collective boycotts***

Forms of conduct which may have anticompetitive effect (1):



1. *The direct or indirect fixing of trading conditions (other than pricing)*

■ In addition to prices, companies also compete **on other terms and conditions of sale**. Trade and professional associations may also be involved in the formulation of **the standard terms and conditions** to be applied by the members in their trading relationships.

■ **While not all terms and conditions are likely to have an appreciable effect on competition**, if an association imposes on its members an obligation to use common terms and conditions of sale or purchase, this will inevitably restrict competition to some degree. Competition enforcers are less concerned with such standards if the members of the association remain free to adopt other conditions or if only a minor proportion of the association's members adopts the standard conditions, **leaving customers with alternative options**.

Forms of conduct which may have anticompetitive effect (2):



2. *Membership rules and restrictions on access*

- Membership rules (or rules on suspension or expulsion) may have a restrictive effect on competition if they allow the association to arbitrarily exclude potential new members from the benefits of the membership.
- Access restrictions applied to new applicants are **harmful only if the association plays an important role in the economy of a given industry sector and has such an influence that non-members would be at a distinct competitive disadvantage *vis-à-vis* members**. See e.g. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1978:021:0023:0031:EN:PDF>
- *Conversely, no* antitrust harm can be established if the services foreclosed by the refusal to grant membership are in fact not competitively significant or can be easily sourced by non-members from elsewhere.
- Criteria for membership: membership should be **voluntary** and **based on clear, objective and qualitative criteria**, which are **easily ascertainable**. (If required for access to profession also: **proportionate**).

Forms of conduct which may have anticompetitive effect (3):



3. *Collection and dissemination of market information*

- Availability of information on the market and its development is generally viewed as critical to develop a competitive environment.
- However, increased transparency is one of the facilitating factors required for tacit collusion to be sustainable on the market.
- **A number of factors are important when assessing whether an associational information exchange program is likely to restrict competition:**
 - **The type and nature of the information exchanged: competitively sensitive information** (*i.e.*, information on the very nature of the business), such as prices, volumes and commercial strategies cannot be shared with competitors;

Forms of conduct which may have anticompetitive effect (3):



3. Collection and dissemination of market information (continued):

- **The level of detail of the information exchanged:** the higher the level of detail the higher the possibility for competitors to predict each others' future conduct and to adjust accordingly. In general, antitrust enforcers do not object to the dissemination of aggregated/statistical data, which does not allow for identification of the information related to individual companies;

- **The reference period of the information exchanged:** the exchange of data regarding **future strategies** is more troublesome than the exchange of historical data. Information on future conduct is particularly sensitive and should remain within the corporate knowledge of each company.

- **The frequency of the exchange:** frequent data exchanges allow companies to better (and more timely) adapt their commercial policy to their competitors' strategy and therefore are more likely to lead to anticompetitive effects.

Forms of conduct which may have anticompetitive effect (3):



3. Collection and dissemination of market information (continued):

- **The concentrated nature of the market in which the parties to the exchange are active:** the more concentrated (oligopolistic) a market is, the easier it is for competitors to reach and enforce sustainable terms of coordination.

- **The nature of the products in question:** it is easier for companies to coordinate on a single, homogeneous product than on many differentiated products.

- **The beneficiaries of the information exchange programs:** agencies also take into account whether the exchange of information is of a private nature or are widely publicized due to the anticompetitive impact of asymmetric price transparency

■ **EU leading case on the exchange of information between competitors: UK Agricultural Tractor Registration Exchange case, decided by the Commission in 1992, OJ 1992 L68/19 : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1992:068:0019:0033:EN:PDF>**

Forms of conduct which may have anticompetitive effect (4):



4. Standard setting and certification programs:

- Trade associations are often involved in establishing and promoting technical safety and quality standards in the industry. They also run certification programs to ensure that products or services marketed by the members of the association comply with the standards promoted by the industry. **Promulgation by trade associations of a standard can result in significant pro-competitive effects** as it lowers information costs, favors interoperability, and creates better products, which are the very benefits that the antitrust laws seek to promote.
- However, there is risk that it may also result of the joint effort is to deprive consumers of a desired product, **to eliminate quality competition, to exclude producers of rival products or services, to prevent the commercialization of innovative and lower-cost products, or simply to facilitate oligopolistic pricing** by easing rivals' ability to monitor each other's pricing policy

Forms of conduct which may have anticompetitive effect (4):



4. *Standard setting and certification programs (continued):*

■ To determine whether a standard setting program may result in a restriction of competition a number of factors are generally taken into account:

- **Participation in the standardization process:** it should be unrestricted (i.e. non-members should also be allowed to participate) and transparent

- **The market coverage of the standardization process:** if a standard is set by companies which are jointly dominant, creating a *de facto industry standard*, it is important that the standard be as open as possible and applied in a clear and non-discriminatory manner

- **The scope of the standardization process:** unlikely that agencies would oppose standardization processes which affect minor aspects of the commercial activities of the members of the standardization body, such as minor product characteristics

Forms of conduct which may have anticompetitive effect (4):



4. Standard setting and certification programs (continued):

- **Binding standards v. voluntary standards:** the adoption of a standard does not justify restricting innovation beyond the standard
- **Consumers benefit from the standardization process:** while one should assume that in most circumstances consumers can make informed decisions as to what technical or quality requirements they prefer, there are markets where consumer information is sufficiently imperfect or incomplete that standard setting is actually helpful and pro-competitive. This is the case in complex markets such as health care, or markets where technical complexity, safety and compatibility issues are important.

■ For the treatment of standardization agreements in the European Union, see also the European Commission Notice, Guidelines on the applicability of Article 81 of the EC Treaty to Horizontal Cooperation Agreements, OJ 2011 C 11/1, Chapter 7: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:011:0001:0072:EN:PDF>

Forms of conduct which may have anticompetitive effect (5):



5. Other possible restrictions: advertising/marketing activities and trade exhibitions

- Other ways in which associations can interfere with the members' freedom to determine their commercial strategy independently from the association and from the other members of the associations. Two more examples:
- **Restrictive marketing/advertising rules imposed by the association on its members:** Restrictions imposed by trade associations (e.g. cold calling etc.) sometimes allowed due to informational asymmetry of the consumers. But severe advertising restrictions raise competition concerns.
- **Associational restrictions on trade fairs and exhibitions:** rules imposed by the trade associations organizing such events: admission rules, 'restraints periods' (i.e. periods before or after the trade fair in which the participants are prohibited from exhibiting elsewhere. A general concern: exclusionary purposes. Admission should be open to everyone on a non-discriminatory basis. However, restrictions on participation in trade fairs may be justified if based on genuine problems in relation to limited exhibit space.

IV. Experience of EU competition authorities: Applicable rules



Art. 101 of the Treaty (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008E101:EN:HTML>)

prohibits agreements, concerted practices and decisions of trade associations restricting competition

- Decisions do not need to be formal or binding, nor to be fully complied with (provided they have an appreciable effect on competition).
- Decisions or recommendations do not have to be expressly approved by the members of the association to give rise to antitrust liability; even an oral exhortation may trigger antitrust liability if it is intended that members should abide by it.

Unilateral conduct of a Trade Association which has a dominant position or whose members have jointly dominant position could also fall under Art. 102 of Treaty (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008E102:EN:HTML>)

IV. Experience of EU competition authorities: Fining trade associations (1):



- When the association has played a separate role in carrying out the infringement of competition law, it is subject to fines separately from the members.
- But what is the relevant turnover that agencies should take into consideration when calculating the amount of the fine?
- Associations generally not active in the market. Association turnover – usually only membership fees - minor. Fine calculated on that basis would have no relation to the actual impact on the market of the illegal conduct (and no deterrent effect).
- Therefore agencies often take as reference for the fine **the turnover of the members of the association**.
 - Regulation 1/2003 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:001:0001:0025:EN:PDF>) allows the European Commission to impose a fine of up to 10% of “the sum of the total turnover of each member active on the market affected by the infringement of the association” provided that “the infringement of an association relates to the activities of its members”.

IV. Experience of EU competition authorities: Fining trade associations (2)



- **But: How to enforce monetary sanctions against trade associations?**
- **Art. 23 par. 4 Regulation 1/2003:** if the fine imposed on the association takes into account the turnover of its members and the association is not solvent, the association is obliged to call for contributions from its members to cover the amount of the fine. If such contributions are not made to the association within a time-limit fixed by the European Commission, the **Commission can demand the payment of the fine directly from any of the members of the decision-making bodies of the association** and subsequently, **the Commission can request payment of the balance from any of the members of the association.**
- Regulation 1/2003, however, allows one or more members of the association to refuse payment of the fine imposed on the association if they can show that: (i) they have not implemented the decision of the association infringing EC competition rules and either (ii) were not aware of its existence or (iii) have actively distanced themselves from it before the Commission started its investigation.

IV. Experience of EU competition authorities: European Commission cases (1)



Extensive EU Commission experience:

- **Cases since 1970s – however without imposing fines on the associations.**

- **In the 1980s the European Commission started to impose fines on trade associations, starting with the ARROW/BNIC case of 1982, concerning producers of brandy. In that case a fine was imposed only on the association - not on the members: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1982:379:0001:0018:EN:PDF>**

- **The first time which the Commission imposed a fine both on an association and on its members was the *Roofing felt* case of 1986: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1986:232:0015:0033:EN:PDF>**

IV. Experience of EU competition authorities: European Commission cases (2)



Extensive EU Commission experience (continued):

Since then, cases in which trade associations have been at the heart of cartels, e.g.:

- amino acids (2001): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:152:0024:0072:en:PDF>

- citric acid (2002): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:239:0018:0065:en:PDF>

- carbonless paper (2004): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:115:0001:0088:EN:PDF>

- industrial tubes (2004): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:115:0001:0088:EN:PDF>

In most of these cases, the trade associations had a legitimate purpose, but turned to anti-competitive activity once the official agenda of meetings was finished.

IV. Experience of EU competition authorities: Hellenic Competition Commission cases (1)



Greece: economy relatively recently opening up to rigid competition and consistent application of competition rules.

**Is this a reason why there are plenty of Trade Association cases?
- TAs until recently mostly not well informed of competition rules.**

List of cases in which Trade Associations have been at the heart of cartels/infringements:

- Supermarkets case 2005
- Associations of Manufacturers of Canned Agricultural Products 2006
- Milk cartel 2007
- Technical Chamber 2010
- Real Estate Agents 2011
- Greek Flour Industries (2011 – provisory measures and commitments)

IV. Experience of EU competition authorities: Hellenic Competition Commission cases (2)



Supermarkets case

(HCC case no. 277/IV/2005:

http://www.epant.gr/img/x2/apofaseis/apofaseis431_1_1194345295.pdf - in Greek)

- In October 2001, the Trade Association of Greek Super Markets (TAGSM) issued and sent both to its members and the suppliers a **recommendation to fix the exact percentage of rebates** to be included in the invoices of all major suppliers of groceries and consumer goods. Both its members and the suppliers were asked to apply the list.

- Separate fines imposed on the TAGSM and its members

IV. Experience of EU competition authorities: Hellenic Competition Commission cases (3)



The Association of Manufacturers of Canned Agricultural Products

(HCC case no. 312/V/2006:

http://www.epant.gr/img/x2/apofaseis/apofaseis347_1_1194268279.pdf - in Greek)

- The members of the Association agreed in their General Assemblies:
 - to fix the prices they would offer to producers of pears and peaches
 - to limit the production of canned pears and peaches
 - to fix sales prices of canned pears and peaches to their customers
- Both the members of the Association and the Association itself were fined for price fixing and limiting production.

IV. Experience of EU competition authorities: Hellenic Competition Commission cases (4)



The Milk Cartel

(HCC case no. 369/V/2007:

http://www.epant.gr/img/x2/apofaseis/apofaseis496_1_1202473136.pdf - in Greek)

- Within the framework of meetings of the members of the Association of Industries of Milk Products information was exchanged and discussions were made on pricing and production
- The HCC issued a recommendation to the Association and refrained from fining it.
- The HCC fined only the members of the Association which took part to the objectionable meetings

IV. Experience of EU competition authorities: Hellenic Competition Commission cases (5)



The Flour Mills Associations

(HCC case no. 505/VI/2010:

http://www.epant.gr/img/x2/apofaseis/apofaseis635_1_1305533984.pdf)

- Two Flour Mills Associations announced immediate re-adjustments/ price increases in flour prices (mounting to 30%) following the Russian wheat crisis of the summer of 2009
- Provisory measures procedure
- The Associations contested that they had recommended price increases to their members, claiming that they had merely published a prediction of what was about to follow
- Commitment decision: publication of Associations' statements denouncing encouragement of price increases

IV. Experience of EU competition authorities: Hellenic Competition Commission cases (6)



The Technical Chamber (TEE) Decision

(HCC case no. 512/VI/2010:

http://www.epant.gr/img/x2/news/news332_1_1295338884.pdf)

■ The Technical Chamber adopted a “minimum cost” factor for construction projects, which was used for the calculation of architects’ and engineers’ fees. In that context, TEE’s conduct aimed at and resulted in raising minimum fees for the latter.

The HCC imposed on TEE:

- a) an order to cease its behavior ,
- b) a fine and
- c) behavioral remedies (to modify its electronic system used for calculation of architects’ and engineer’s fees and to inform its members of the HCC decision).

IV. Experience of EU competition authorities: Hellenic Competition Commission cases (7)



Associations of Real Estate Agents in Greece

(HCC case no 518/VI/2011:

http://www.epant.gr/img/x2/apofaseis/apofaseis646_1_1310551544.pdf - in Greek)

- Involved: various local Associations of Real Estate Agents and an Association of Associations
- **The case concerns the imposition and adoption of minimum fees for the provision of estate agents' services in Greece and the related prohibition to advertise estate agents' fees below a set threshold of 2%.**
- Fines imposed on the Associations only – not to its members
- Behavioral remedy to inform members of Association of HCC decision

IV. Experience of EU competition authorities: Hellenic Competition Commission lessons learned:



What should a competition agency be looking for? (what are the warning signs?)

- **Simultaneous industry-wide price increases or changes of sales terms**
- **Industry-wide price increases or changes of sales terms not explained by other reasons (i.e. increase in commodity prices)**
- **Information exchanges**
- **Complaints**

V. Trade Association Competition Law Compliance (1):



- **1. Adopt and maintain an effective compliance program.**
- **2. Adopt written agendas and minutes for all association meetings.**
- **3. Adopt and follow conduct of meeting guidelines. Such guidelines commonly include restrictions on the exchange of competitively sensitive information (e.g., discussions relating to pricing, markets, concerted refusals to deal or limiting the production or supply of goods or services).**
- **4. Perform periodic compliance audits.**

V. Trade Association Competition Law Compliance (2):



Trade Associations should (continued):

- **5. Conduct competition compliance orientations for new association executives and staff.**
- **6. Obtain legal advice for key association initiatives.**
- **7. Avoid informal or “off the record” meetings. Associations should discourage informal or “off the record” meetings between members, particularly on the “fringes” of association meetings or using association facilities.**
- **8. Generally review all association activities through a “competition lens”.**

VI. Further reading



- OECD Report “Potential Pro-Competitive and Anti-Competitive Aspects of Trade/Business Associations (DAF/Comp(2007)45) published Nov. 2008:
<http://www.oecd.org/dataoecd/40/28/41646059.pdf>
- Notice on Activities of Trade Associations and Compliance with Competition Law (issued Nov. 2009 by the Irish Competition Authority):
<http://www.tca.ie/images/uploaded/documents/N-09-002%20Notice%20on%20Activities%20of%20Trade%20Associations%20and%20Compliance%20with%20Competition%20Law.PDF>
- Office of Fair Trading, *Trade Associations, Professions and Self-Regulating Bodies, Competition Law* Guidelines, December 2004
http://www.oft.gov.uk/shared_of/business_leaflets/ca98_guidelines/oft408.pdf
- For the treatment of standardization agreements in the European Union, see also the European Commission Notice, Guidelines on the applicability of Article 81 of the EC Treaty to Horizontal Cooperation Agreements, OJ 2011 C 11/1, Chapter 7: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:011:0001:0072:EN:PDF>
- EC Competition Law Compliance Program by ECR Europe: <http://www.ecr-baltic.org/f/docs/clcp.pdf>



thank you for your attention!

questions?

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