



GUIDELINES GOVERNING COCIR MEETINGS AND TELECONFERENCES

COCIR's MISSION

COCIR's aim is to represent the interests of its radiological, electromedical and healthcare IT industry members in Europe and abroad. COCIR also provides services to its members and acts as a communication channel for key stakeholders including the European institutions and other regulatory bodies.

COCIR operates in Europe and has an office in China. COCIR also covers matters of common interest to its members beyond Europe.

COCIR seeks to promote the development of harmonised international standards and regulatory control which respect the quality and effectiveness of medical devices and healthcare IT systems without compromising the safety of patients and users and promote the free worldwide trade in these products.

GUIDELINES

COCIR offers a neutral platform that allows its members to discuss matters of common interest. However, meetings or teleconferences at which competing COCIR members participate give rise to a risk of competition law infringement.

These guidelines provide a general summary of the competition law rules and do not intend to be exhaustive. They are provided for informational purposes only and cannot be considered as legal advice. For further assistance or clarification, please contact a specialized lawyer.

BEST PRACTICE

- **DO** ensure that for any meeting organized by COCIR that an official COCIR representative is present.
- **DO** ensure that meetings and teleconferences have a legitimate purpose.
- **DO** ensure that agendas are agreed and circulated in advance of any formal meetings, and that accurate minutes are circulated thereafter.
- **DO** ensure that the attendance list is signed at the beginning of each physical meeting, and in the case of a teleconference, that it is properly documented.
- **DO** ensure that membership of working groups / participation criteria to meetings are transparent and non-discriminatory.
- **DO** inform the COCIR meeting organiser if you have competition law concerns about the appropriateness of any discussion and/or any topic on the agenda.
- **DO** stop the discussion of any topic if you reasonably believe that it does not comply with competition/antitrust laws until such concerns can be ruled out, either during the meeting or afterwards. If efforts to stop the discussion are not successful, leave the meeting under protest and request that your protest be documented in the minutes.

WHAT MAY BE DISCUSSED

Among others, the following may be discussed:

- Non-confidential, technical issues relevant to the industry, such as standards, environmental concerns, matters related to corporate social responsibility, health and safety matters, regulatory policy developments.
- Public policy, educational and scientific developments.
- Publicly available information (e.g. trade press, newspapers and company websites) on industry trends or general market conditions, provided the information is not company specific and relates to the industry as a whole.

- Benchmarking exercises or market surveys provided these activities do not result in an exchange of competitively and/or commercially sensitive information among the participants; results must be presented in an aggregated form which does not allow the identification of individual companies.

DO NOT DISCUSS

Any discussions, whether in a formal or informal context including mere information exchanges, could constitute an anti-competitive agreement or practice. To avoid liability, **DO NOT** reach understandings or agreements or even discuss any of the following commercially sensitive matters:

- Pricing strategies including price ranges, margins, discounts, rebates or any other element of pricing.
- Supply costs, operating costs or other overhead costs.
- Invoicing practices and payment terms.
- Market partitioning such as the allocation of customer groups, types of products or territories between competitors.
- Markets for expansion and investment.
- Commercial business plans, marketing or sales initiatives, development roadmaps and product portfolio plans.
- Any arrangement to avoid direct competition, or joint action to exclude competitors or new entrants to the market and/or to COCIR.

GUIDELINES ON MARKET STATISTICS INFORMATION EXCHANGE

COCIR collects market statistics data and strict confidentiality rules govern what information may be exchanged.

The exchange of statistical information is typically **permitted** when:

- only aggregated statistical information is shared with individual companies; and
- it does not allow the identification of individual companies.

However, it is **prohibited** to exchange company-specific information between competitors, such as data on prices, costs, market shares, order and sales volumes (by units and/or values), marketing plans or inventories.
