

**NATIONAL BULK TANKER ASSOCIATION Inc. (NBTA)**

**COMPETITION LAW CHECKLIST FOR NBTA MEETINGS**

This checklist is to assist NBTA members and company representatives in the proper conduct of NBTA meetings and functions. Prohibited discussion topics apply equally to social gatherings incidental to NBTA meetings. The checklist is not exhaustive, but rather a common-sense guide or consistent attention to competition law.

DO	DON'T
<p>Ensure strict performance in areas of:</p> <p><b>OVERSIGHT / SUPERVISION:</b></p> <ul style="list-style-type: none"><li>• Have a NBTA Secretariat representative at each NBTA sponsored meeting;</li><li>• Consult with appropriate counsel on all questions related to Trade Practices law;</li><li>• Limit meeting discussions to agenda topics;</li><li>• Provide each company representative and NBTA member association representative attending NBTA sponsored meeting with a copy of this checklist, and have a copy available for reference at all NBTA sponsored meetings.</li></ul> <p><b>RECORD KEEPING</b></p> <ul style="list-style-type: none"><li>• Have an agenda and minutes which accurately reflect the matters which occur;</li><li>• Ensure the review of agendas, minutes and other important documents by appropriate staff or counsel, in advance of distribution;</li><li>• Fully describe the purposes and authorities of task groups and work groups.</li></ul> <p><b>VIGILANCE:</b></p> <ul style="list-style-type: none"><li>• Protest at any discussion or meeting activities which appear to violate this checklist; ask for those activities to be stopped so that appropriate legal check can be made by counsel; disassociate yourself from any such discussion or activities and leave any meeting in which they continue.</li></ul>	<p>Do not, in fact or appearance, discuss or exchange information not in conformity with Trade Practices law, including for example on:</p> <p><b>PRICES, INCLUDING:</b></p> <ul style="list-style-type: none"><li>• Individual company prices, price changes, price differentials, mark-ups, discounts, allowances, credit terms, etc;</li><li>• Individual company data on costs, production, capacity, inventories, sales, etc.;</li><li>• Industry pricing policies, price levels, price changes, differentials, etc.</li></ul> <p><b>PRODUCTION, INCLUDING:</b></p> <ul style="list-style-type: none"><li>• Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers;</li><li>• Changes in industry production, capacity or inventories.</li></ul> <p><b>TRANSPORTATION RATES</b></p> <ul style="list-style-type: none"><li>• Rates or rate policies for individual shipments, including basing point systems, zone prices, freight equalisation, etc.</li></ul> <p><b>MARKET PROCEDURES, INCLUDING:</b></p> <ul style="list-style-type: none"><li>• Company bids on contracts for particular products; company procedures for responding to bid invitations;</li><li>• Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms toward them;</li><li>• Blacklist or boycott customers or suppliers.</li></ul>