



AWS Technical Activities Antitrust Policy

1. Policy - It is the policy that all AWS technical activities shall be conducted in full compliance with U.S. antitrust laws.

1.1 In carrying out its technical activities, AWS operates to ensure compliance with antitrust laws by requiring adequate notice of all meetings, and circulation of meeting agendas. Legal counsel will be consulted should sensitive issues be anticipated. Permanent records of all committee meetings shall be kept by AWS.

1.2 Individuals participating in AWS technical activities shall take particular care not only to avoid improper actions or results, but also to avoid even their appearance. The best guarantee of fulfillment of the AWS Technical Activities Antitrust Policy is the prudence of the individuals participating as they are most aware of what are sensitive matters in the industry, and thus are in the best position to avoid problems.

1.3 The following statement shall be added on all meeting agendas:

All AWS technical meetings will be conducted in accordance with the policies and rules of the Society: www.aws.org/standards/page/policies-procedures.

2. Antitrust Overview – U.S. antitrust laws prohibit agreements or understandings between two or more individuals or businesses to regulate prices or quantities of goods or services, to allocate customers or territories, to hinder or limit a competitor or potential competitor's operations, or otherwise unreasonably to restrain business activity. Discriminatory pricing or servicing is also prohibited. The criminal penalties for violating the antitrust laws are severe: corporations and other organizations may be fined up to \$10,000,000 per offense, and individuals face fines of up to \$350,000 and/or up to three years in jail. In addition, private parties injured by antitrust violations may sue for treble damages.

While there are numerous kinds of behaviors which can violate the antitrust laws, the general concept is competitors at least tacitly agreeing to act together in an anti-competitive manner. The prudent course, therefore, is to ensure that discussions at AWS technical activities meetings do not stray into matters involving how companies compete in the marketplace.

Additional information is provided in the Federal Trade Commission Guide to Antitrust Laws (www.ftc.gov).

3. Rules of Conduct – Every individual participating in AWS technical activities shall follow these rules with respect to AWS technical activities:

- DO NOT make statements regarding prices or matters affecting prices (e.g. costs, discounts, terms of sale or profit margins) at committee meetings.
- DO NOT make statements about your future pricing plans, expansion or other policies with competitive overtones. Do not participate in a discussion where other members do.
- DO NOT agree with competitors to uniform terms of sale, warranties or contract provisions.
- DO NOT agree with competitors to divide customers or territories.
- DO NOT act jointly with one or more competitors to put another competitor at a disadvantage.
- DO NOT try to prevent your supplier from selling to your competitor.
- DO NOT discuss your customers with your competitors.
- DO NOT agree to adhere to AWS standards or discuss when products conforming to the AWS standards will be offered.
- DO NOT do anything before or after AWS meetings, or at social events that would be improper at a formal committee meeting.
- DO NOT assume you are protected by informal advice from a government official.
- DO leave any meeting where any of the foregoing topics are being discussed – and state why you are leaving.
- DO confine standardization discussions to technical, engineering and safety factors.
- DO conduct all committee meetings in such a manner that all members are afforded an adequate opportunity to present their views. All opinions should be considered before actions are voted upon. The chairperson should undertake this responsibility with the assistance of the AWS Technical Services Staff/Secretary.
- DO comply with the AWS Board policy on the Authority to Speak or Act on behalf of AWS.
- DO alert AWS staff and legal counsel to anything inaccurate or improper. This includes a position AWS has taken or intends to take or a meeting or activity of which you have learned.
- DO consult your own legal counsel or AWS legal counsel before raising any matter, which you feel might be sensitive.

- DO send copies to the AWS Technical Services Secretary of any communications or documents sent, received or developed by you when acting for the AWS Technical Services.
- DO alert every employee in your Company who deals with AWS technical activities of these guidelines.
- DO be conservative. If you feel an activity might be improper, do not do it.

4. Participation in Standards Activities – AWS technical activities are conducted in conformance to the Essential Requirements for Due Process established by the American National Standards Institute (ANSI). AWS membership is not a requirement for participation in the development of consensus based voluntary standards. All AWS meetings are open, except when the rules permit or require Executive Session.

Individuals involved in the AWS technical standardization activities should read and comply with the Rules of Operation of the Technical Activities Committee, Technical Activities Committee Policy Manual, Code of Conduct for Members of AWS Technical Committees, AWS Intellectual Property Policy, and AWS Board Policy regarding “Authority to Speak or Act for The American Welding Society”.

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