

GUIDELINES FOR PARTICIPATING IN ACTIVITIES ORGANISED BY BUSINESS UPPER AUSTRIA – OÖ WIRTSCHAFTSAGENTUR GMBH

Business Upper Austria - OÖ Wirtschaftsagentur GmbH (Biz-up for short) is the Upper Austrian government's business agency. With its range of activities, Biz-up aims in particular to secure, strengthen and further develop Upper Austria as a location for businesses and jobs by positioning the region as a business and employment location internationally, creating and further developing infrastructure for investment, innovation and technology in Upper Austria and supporting innovation and technology transfer. As a result, Biz-up aims to establish and promote sustainable innovation networks and platforms for pre-competitive cooperation, to encourage the exchange of information between companies and technology policy makers, and to coordinate joint statements made by the members to the public, technology policy, other platforms, etc. Within this context it is important for Biz-up to work within the framework of the law and pay particular attention to aspects of the competition laws. This applies in particular to all Biz-up events.

This means that activities - especially events organised by Biz-up - must not be used for discussing topics that are banned under antitrust law; the antitrust rules must of course be observed by everybody participating in the activities. This applies also, and even more so, when representatives of competing companies meet, even in circumstances on the fringe of events or other meetings. The people participating in the activities - especially events organised by Biz-up - undertake:

- ! to refrain from actions prohibited by antitrust law; in particular, they will neither enter into any express agreements nor make decisions nor take action based on coordinated behaviour if this violates antitrust law.
- ! to observe what are known as the hardcore restrictions unconditionally and in all circumstances with the utmost care, in particular by not reaching an agreement or understanding on prices and price-related factors or contractual terms and conditions, by not fixing market shares or quotas or allocating customers or markets, by not agreeing on volumes or specialisations, by not submitting concerted bids in response to requests for tender and by not holding discussions in advance of participating in tender procedures.
- ! not to exchange or pass on any other information which is sensitive under antitrust law; this applies to all information which potentially allows participants - in particular competitors - to coordinate their market behaviour in a way that may restrict competition as a result. This therefore includes strategic plans, information on intended market behaviour, utilisation, delivery quantities, proposals, costs, benchmarks, investments, research and development programmes and their results, contractual terms and conditions, etc.

Everybody participating in Biz-up activities will, without exception, ensure that there are no violations of (anti-trust) legal regulations. In all (written or oral) statements, care must be taken to avoid the impression of dealing with issues that are not permissible under antitrust law.