

MMTA ANTI-TRUST POLICY

1. The Minor Metals Trade Association (“the Association”) is an association of companies (“Members”) engaged in the production, processing, trade and/or use of minor metals and/or offering a service to the minor metal industry.

The Association’s major objective is to promote, in the general interest, the use of minor metals and in particular their applications for various products.

The Association recognises that while its activities will be conducted for the benefit of its Members, it is important that these activities be conducted to preserve competition and not to harm suppliers, purchasers or others, including those that are not Members.

2. The policy of the Association is to act in accordance with, and strictly adhere to, the letter and the spirit of all applicable laws and more specifically in connection with this policy with those antitrust and competition laws and regulations which apply to it (collectively “Competition Laws”).

The policy applies to all Members and their representatives in the context of both Association meetings and Association-sponsored events.

3. Failure to strictly adhere to Competition Laws has extremely serious consequences for Members, their Boards of Directors and their officers due to civil and criminal provisions contained in such laws.
4. The Association does not and will not restrain competition or inflict prejudice or harm on consumers; rather the purpose and objective of this policy is to promote free and open competition amongst its Members.
5. There should be no collusion between Members who are competitors, with regard to prices, discounts or terms of sale.
6. The Association must not be used for the purpose of facilitating, assisting, bringing about or attempting to bring about, any understanding, arrangement, concerted practice or agreement, whether written or oral, formal or informal, express or implied between or among actual or potential competitors with regard to the matters set out in point 5.
7. The Association’s meetings, events and communications shall not be used by any Member to discuss, plan or facilitate any practice, arrangement or agreement which would have the effect of lessening competition in the minor metal market.
8. Members must comply with both the letter and spirit of this policy. Members must use their best endeavours and judgement to respect and comply with both the letter and spirit of this policy. Any Member will be permitted to rely on advice of certain authorised participants (including legal counsel). The Members agree to notify the Association of the name and address of such advisers and whether such advisers will be in attendance at any of the meetings of the Members.

9. If any Member's representative is concerned about the propriety of the discussions at an event or meeting of, or organised by, the Association, the representative shall immediately draw such concern to the attention of the Chair of the event or meeting, an Association staff member or any legal counsel in attendance. It is agreed that the discussion in question will be suspended until all Members are satisfied, with the appropriate advice if necessary, that the discussion may be resumed. Each Member recognises that advice from its legal counsel is not to be treated as advice to the Association. The Association may and is hereby authorised to retain independent legal counsel if and where necessary with respect to all matters in connection with this policy.
10. Each of the Members acknowledges the existence of this policy and its agreement to adhere to this policy while a Member. Members, speakers and guests will be reminded of the existence of this policy and its purpose in advance of and at the outset of all Association meetings and events, whensoever and wheresoever they are held.
11. Members and authorised participants are permitted to bring legal advisers to Association meetings and events (at their own cost). The Members agree to notify the Association of the name and address of such advisers.
12. The Association's governing body ("Main Committee") may choose to investigate thoroughly any suspected or reported breach of or behaviour inconsistent with this policy. If the Main Committee finds sufficient and material evidence that the alleged breach or misbehaviour has occurred, it may (and is hereby given the unfettered authority to) suspend the membership and the privileges associated therewith of any Member and take such other actions as may be required by the Competition Laws.
13. The Association recognises it is the individual Member's responsibility to be fully informed of the existence and contents of this policy and have a general and current knowledge of Competition Laws generally. Individual Members will rely on their own counsel if they have questions about competition related issues involving the Association.