



COMPETITION LAW GUIDELINES for AIRPORT SERVICES ASSOCIATION (ASA) and its constituent Chapters, Task Forces (TFs) & Committees

Purpose

To ensure that trade association activities and meetings of the Airport Services Association ("ASA"), including but not limited to its constituent chapters, task forces (TFs) and committees, are conducted in compliance with all applicable competition laws.

Statement of Policy

ASA and its constituent chapters, TFs and committees bring together Ground Service Providers to address issues related to ground handling, including promoting safe and efficient performance of ground handling, including ramp and passenger handling, and handling of cargo pursuant to relevant agreements. It is ASA's intent that the meetings of ASA and its constituent chapters, TFs and committees shall be conducted in full compliance with United States antitrust laws, the competition rules of the Treaty of Rome, and the competition laws of other jurisdictions, taking into account any applicable exemptions or immunities from those competition laws.

Procedural Guidelines

The meetings of ASA and its constituent chapters, TFs and committees shall be conducted pursuant to the following procedures in order to ensure compliance with all relevant competition laws:

1. Meetings shall be conducted at regular scheduled sessions, at special meetings initiated pursuant to procedures set forth in ASA's internal governance rules, or through the activities of duly designated committees. All discussions or conversations among conference participants, including during breaks and scheduled or non-scheduled social activities connected with the meetings must follow these Guidelines.
2. Meetings shall be conducted in accordance with written agendas that are reviewed in advance by ASA counsel familiar with the competition laws of the United States, the European Community and other relevant jurisdictions to assure that the agenda items are in compliance with these laws. Agendas will be distributed in advance of the meetings.
3. Minutes of the meetings shall be kept, including indications of a Member absenting him/herself from the Meeting for a particular agenda item. Those minutes shall be reviewed by ASA's competition compliance attorney prior to circulation to attendees.

Prohibited Agreements and Activities

1. Unless attendees of conference meetings are advised to the contrary by competition counsel, the following types of agreements, whether express or implied, are STRICTLY PROHIBITED:

- a. Any collective agreement concerning prices to be charged for services;
- b. Any collective agreement allocating markets, territories, customers, suppliers or agents;
- c. Any collective agreement relating to prices to be paid to suppliers, and any other agreement that is intended to, or that in operation is likely to, harm non-participants, including without limitation any agreement that is intended to, or in operation is likely to, exclude non-participants from any market; and
- d. Any agreement that is intended to, or in operation is likely to, induce airlines or their suppliers or agents to engage in collective anticompetitive behaviour, or to collectively punish any business enterprise for its exercise of independent business judgment.



2. Recognizing that the existence of an unlawful agreement or concerted practice may be inferred from circumstances, including the exchange of information by competitors, discussions or disclosures of the following types of information are also PROHIBITED, except when such information has otherwise been made public or ASA competition counsel advises that such discussions are legally permissible:

- a. Individual airline rates, charges or surcharges;
- b. Individual airline costs;
- c. Information on individual airlines customers; and
- d. Any other sensitive commercial or proprietary information that the company would not disclose in the absence of an express or implied agreement to exchange such information for the purpose of reducing or restricting competition in the airline industry.

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