

## Key considerations: Compliance with competition rules

### Background

The IAS [Industry Liaison Forum](#) (ILF) highlights the perspective of the HIV biomedical industry and catalyses multi-stakeholder dialogue, engagement and actions to address barriers along the HIV cascade and cross-cutting issues. The work of the ILF is guided by a strong, multi-stakeholder advisory group, which is composed of industry and non-industry representatives. The ILF Advisory Group is co-chaired by an industry representative and an IAS Governing Council member.

The ILF does not serve as a platform for any discussions on topics which might generate antitrust concerns and prohibits any behaviour that might be illegal under Swiss antitrust laws or any similar applicable laws in the EU, the US or any other country. To ensure mutually beneficial collaboration free of conflicts of interest, it is important to provide clarity for all stakeholders involved in ILF activities on opportunities, limitations and accountability. The guidelines below summarize key competition rules; they are relevant for all ILF activities, in particular ILF Advisory Group emails, conference calls and in-person meetings. The guidelines complement the [ILF Advisory Group Terms of Reference](#). While these guidelines have been developed with a focus on interaction between ILF Advisory Group members, they also guide the participation of external partners in ILF activities. The following list is for the purpose of illustration and is by no means exhaustive. The non-compliance with these guidelines could lead to the exclusion of the concerned stakeholder from ILF activities.

### What to avoid

- **Do not** discuss with other participants competitively sensitive information on anything relating to topics such as prices, discounts, margins, price-related contractual terms or territorial protection.
- **Do not** exchange information on costs, capacity, business plans or commercial strategy. The only exception is for industry data that are publicly available via data services, such as interest rates.
- **Do not** exchange individualized information on output plans.
- **Do not** engage in conduct that could have the effect of restricting competition by excluding actual or potential competitors from the market or preventing them from competing effectively.
- **Do not** discuss matters relating to your company's marketing plans, design, production or distribution.
- **Do not** share with other participants any other competitively sensitive or confidential information.

## What to do

- **Do** report to the IAS any discussion or conduct that you suspect might violate these guidelines, and keep a copy of such correspondence.
- **Do** leave any discussion that you feel might infringe these guidelines, and ask for your leaving to be recorded in the minutes.
- **Do** refuse any commercially sensitive or confidential information you might be offered. If you receive such information, return them immediately, emphasizing that you do not want to have access to them. Keep a copy of such correspondence.
- **Do** remember that you are responsible for your own compliance with these guidelines.

## Additional information

For examples of acceptable and unacceptable exchanges on pricing and compensation matters, refer to *Antitrust Guidelines and FAQs* on the Medical Group Management Association (MGMA) website ([here](#)).

## References

This document is adapted from a number of existing guidelines and best practices in the industry:

- Competition and Markets Authority, *Competition law: dos and don'ts for trade associations*. British Government website ([here](#))
- European Commission, *Compliance with competition rules: what's in it for business?*. European Commission website ([here](#))
- MedTech Europe, *Eucomed Compliance & Competition Law Guidelines*. MedTech Europe website ([here](#))
- Rules of engagement presented at the Global Fund, PEPFAR, Republic of South Africa, *Large ARV Buyers and Sellers Forum 2016*. The Global Fund website ([here](#)).