

ASV – Competition Compliance – Policy Statement

The Antwerp Shipping Federation (Antwerpse Scheepvaartvereniging vzw – hereinafter called ‘the Association’) is a non-profit organisation (NPO).

According to the articles of association, the objectives of the Association are:

- promotion, in the broadest sense, of its members’ interests, both in professional and inter-professional areas as well as in general maritime, port economic and social fields.
- promotion of the interests of the port of Antwerp, of maritime shipping in general, of shipping companies and of those shipping companies represented by its members in particular.
- promotion, in whatever form, of freedom of labour and freedom of trade, considered by the founders to be indispensable for the development of shipping activities and the flourishing of the port of Antwerp.

The Association plays a useful and necessary role within the port community as it deploys activities that individual companies are unable to perform independently. This includes representing its members in general matters of interest for the sector, keeping in contact with policy and decision makers, providing all kinds of information relevant to the sector, acting as a point of contact for the sector, following general market developments or new technologies, promoting quality and standards within the sector,...

The Association provides a forum for exchange of ideas in general matters of interest to the sector. This takes place in a variety of settings where members are present, such as the annual meeting, educational or informative sessions, working group or committee meetings, and meetings of the Board of Directors.

The Board of Directors stresses that it is not the objective of the Association to play any role in its members’ decisions concerning market competition, nor to restrict in any way competition among members or potential members. The Association cannot be used as a forum for discussions that would facilitate any kind of anti-competitive agreements or understandings.

The Association clearly and unequivocally supports the policies of competition served by the Belgian and EU antitrust and competition Regulations and national Acts.

Accordingly the Board of Directors considers it appropriate to confirm and formally communicate, by means of this statement, the Association’s uncompromising policy to comply strictly in all respects with these laws.

This policy applies not only to the Association but also to all Association members. It is brought to the knowledge of new members at the acceptance of their membership, published on the Association’s website, and to be read and understood by all participants at all meetings of the Association as described above.

ASV – Competition Compliance – Code of Conduct

It is the policy of the Antwerp Shipping Federation NPO (hereinafter ‘the Association’) to strictly comply with all Belgian and EU antitrust Regulations and national Acts. All members and staff are expected to conscientiously adhere to these laws.

No anti-competitive behaviour in connection with any of the Association’s activities is permitted or condoned.

Such behaviour may include, but is not necessarily limited to:

- controlling or influencing current or future prices for purchase or sale of services and goods, controlling or influencing price increases or decreases, or artificial stabilisation or standardisation of prices;
- limiting capacity;
- boycotting, blacklisting, or refusing to deal with certain persons or companies so as to create unfair competitive advantages;
- allocating or dividing of markets, customers or territories;
- exchanging current and specific information about prices, capacity, costs, customers, markets and other commercially sensitive information;
- all activities seeking to distort fair competition;
- creating the impression (by statements or otherwise) that the Association or its members are involved in such activities.

To avoid inadvertent violation of antitrust and competition law, all gatherings organised by the Association shall be conducted in accordance with the following rules:

- a written agenda shall be prepared and distributed in advance of each meeting, detailing each issue to be dealt with;
- accurate and detailed meeting minutes shall be distributed promptly after each meeting;
- in the event of concerns regarding potential antitrust implications of any item on the agenda, discussions on that subject shall be discontinued;
- should any member have any concern regarding potential antitrust implications, it shall interrupt the discussion and state that concern immediately, and request that it be noted in the minutes; the discussion shall be terminated immediately until such time as the legitimacy of the concern has been adequately addressed; should this not be so, any participant may leave the meeting and have this expressly noted in the minutes;
- members in violation of the above shall be removed from the meeting by the Chairman;
- if the meeting is organised between the Association and representatives of another organisation which provides goods and services that compete with or are similar to those provided by the Association and its members, the present restrictions shall apply to those discussions.

The Association appeals to each individual participant’s and member’s sense of responsibility to comply with the principles set out in antitrust and competition legislation. The participants attending a meeting shall therefore always be reminded of the Association’s Compliance Code of Conduct and shall confirm their understanding of and consent to the Code by their individual signature.

The Association shall also notify the present Policy Statement to its staff and employees, who shall acknowledge receipt and compliance. The Policy Statement shall be added to the job description of any new employee. The Policy Statement shall be published on the Association’s website.

Both the members’ and the employees’ attention is specifically drawn to the fact that the relevant Competition Authorities (the European Commission and the Belgian Competition Authority) may impose extremely heavy fines for any behaviour that is deemed to be anti-competitive, to the extent that they may cripple the economic activities of the persons involved. This applies especially to the hard-core prohibitions enumerated above.

Any person who has any concern about compliance with this policy or who has any question pertaining thereto should contact the President of the Association.