

Fair Competition

Part 1/2

We do not engage in any form of collusion, we compete fairly, and we comply with all competition laws, refusing to engage in any anti-competitive practice.

Why is it important?

We are fully committed to competing vigorously, fairly and in compliance with the law, for the benefit of our consumers and a healthy competitive environment.

Violating competition laws can lead to serious consequences, including large fines, civil damages, criminal sanctions for individuals and damage to TMICC's reputation and relationships.

What must I do?



- Follow and cascade competition law guidance and training to ensure I and my colleagues thoroughly understand, recognise and stay alert to competition law sensitivities.
- Never participate in cartels, even in countries without competition laws.
- Refrain from agreeing, discussing or exchanging information on any of the following, directly or indirectly (i.e., via a customer or a supplier), with competitors unless approved by Legal:
 - **Commercially** sensitive information – including prices or terms of sale; costs or other conditions with third parties; purchasing or other strategies, production, marketing, advertising, sales, recruitment, employment terms, wages or rewards.
 - **Division** or allocation of markets, channels, customers or product lines.
 - **Boycotts** or refusals to deal with certain market players (unless approved by Legal).
 - **Coordination** or allocation of bids or tender quotes.
- Only collect and / or use competitor information from the public domain, and:
 - **Clearly** record the source of competitor information in any internal or external communication and document.
 - **If I acquire** competitor commercially sensitive information unintentionally, notify Legal immediately.
 - **If I want** to collect competitor information beyond the public domain (i.e., for benchmarking), I consult Legal.
- Act with caution when TMICC's market positions are strong, seeking advice from my Legal Business Partner if TMICC's commercial practices could be perceived as abusively excluding competitors or as unfair to customers or suppliers.
- Do not seek to obtain or use information in a way that might violate legal or contractual non-disclosure obligations of third parties or new employees.

Fair Competition

Part 2/2

What must I do?

- Before taking part in a **trade association meeting, industry events, or meetings with competitors**, ensure that:
 - **My Line Manager** approves the activity.
 - **I complete** the required training.
 - **A clear** agenda is shared (by email, in the invite, etc.), including a competition caution (see sample below) that will be read at the start of the meeting and included in the minutes.
 - **Minutes**, which refer to the attendees, purpose, and discussions are circulated after the meeting.
 - **If inappropriate** discussions continue, noticeably leave at once (requesting this be noted in the minutes); report the incident to my Line Manager and Legal immediately.



What must I do?

In cross-border sales:

- Refrain from taking any action if any of the motivations are to limit cross-border sales within Europe and never complain or comment in a negative way on cross-border sales within Europe, in external or internal communications.

Consult Legal if:

- I want to restrict imports in, or exports to, certain countries in regions other than Europe, to comply with international trade rules.
- I am in doubt on how to apply competition law to a specific situation.
- I want to exchange information or discuss collaboration opportunities with competitors (for example, on joint purchasing, production, R&D, standardisation agreements).
- My discussion or decision may restrict how or where a customer (retailer, distributor, concessionaire, wholesaler, etc.) markets, sells or distributes TMICC products:
 - I plan to apply certain commercial practices in markets where TMICC is strong, which may result in an unfair disadvantage of customers or unfairly prevent competitors from entering, remaining or expanding (for example, selling below cost, exclusivity, certain rebates or bonuses).
 - I am contacted by, or plan to contact, competition authorities or courts: all such contacts must be coordinated by Legal.

Sample of Competition Caution:

- ▶▶ All participants at today's meeting must adhere to competition law and shall not enter any discussion, activity or conduct that may breach any applicable competition law. For example, participants shall not discuss or exchange any commercially sensitive information, including non-public information on selling prices and trade terms, revenues, costs, conditions with third parties, or purchasing / production / marketing / advertising / distribution / selling strategies. This applies not only to discussions in formal meetings but also to informal discussions before, during, and after the meeting. Should discussions cover matters that may be problematic under competition laws, the moderator will close the meeting. ▶▶