



EUROPEAN AGRICULTURAL MACHINERY

CEMA Antitrust Guidelines

CEMA is a trade association which aims to raise awareness among EU and national political decision makers about agricultural machinery. In doing so, CEMA members are committed to ensuring strict compliance with national and European competition laws.

The objective of these guidelines is to ensure that CEMA members are aware of the requirements laid down in article 102 and 103 of the Treaty on the Functioning of the European Union (see Annex) and that their activities within CEMA are at all times in compliance with these requirements as well as relevant national laws that may apply in countries in which they are active.

Should at any point in time a question arise about the compliance of a discussion or action within CEMA, the Secretariat invites members to raise this immediately and to seek legal advice as appropriate.

For this purpose,

- 1) CEMA members shall be aware of the provisions laid down in article 102 and 103 of the Treaty on the Functioning of the European Union as well as relevant national competition laws that may apply in countries in which they are active.
- 2) Discussions within CEMA shall only serve the legitimate purpose of the association and shall not result in sharing commercially sensitive information. For this purpose, all meetings shall follow a pre-established written agenda; the Secretariat will prepare minutes promptly after the meeting in line with the CEMA statutes.
- 3) CEMA members may only share certain information with the Secretariat, provided that this information relates to non-commercially sensitive issues, such as historical data, technical information, general industry studies, market research, scientific information, positions on policy and regulatory issues relating to agricultural machinery.
- 4) Participation in CEMA meetings and activities is voluntary, and failure to participate must not be used to penalise any member.
- 5) Each CEMA member, including any new member, will be provided with a copy of these guidelines.



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Annex

TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

Article 102

(ex Article 82 TEC)

Any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the internal market in so far as it may affect trade between Member States.

Such abuse may, in particular, consist in:

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- (b) limiting production, markets or technical development to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

Article 103

(ex Article 83 TEC)

1. The appropriate regulations or directives to give effect to the principles set out in Articles 101 and 102 shall be laid down by the Council, on a proposal from the Commission and after consulting the European Parliament.

2. The regulations or directives referred to in paragraph 1 shall be designed in particular:

- (a) to ensure compliance with the prohibitions laid down in Article 101(1) and in Article 102 by making provision for fines and periodic penalty payments;
- (b) to lay down detailed rules for the application of Article 101(3), taking into account the need to ensure effective supervision on the one hand, and to simplify administration to the greatest possible extent on the other;
- (c) to define, if need be, in the various branches of the economy, the scope of the provisions of Articles 101 and 102;
- (d) to define the respective functions of the Commission and of the Court of Justice of the European Union in applying the provisions laid down in this paragraph;
- (e) to determine the relationship between national laws and the provisions contained in this Section or adopted pursuant to this Article.
