

# STATEMENT OF POLICY OF THE ATLANTA AIR CARGO ASSOCIATION

## ***International Antitrust Laws***

As individuals and as persons associated with corporate entities we must all comply with a broad range of laws that deal with competitive and anti-competitive activities, including, but not limited to antitrust laws. These laws vary from country to country and jurisdiction to jurisdiction. It is of critical importance to the Atlanta Air Cargo Association ("AACA") that there be full compliance with such laws regardless of the location of any meeting and regardless of who may be attending that meeting. These laws apply to AACA in addition to its members and associates.

## **Introduction**

As a general proposition, antitrust laws govern how individuals and companies may act including limiting (a) what subjects may be discussed between certain parties and (b) the way that individuals and companies can act together in business activities. In this policy AACA is not providing a legal opinion but guidelines that you may wish to consult with your own counsel regarding. The general governing principle of antitrust law is that groups of individuals or companies may not act in concert to use their combined economic power or influence to limit or harm competition. In essence, this means that what can be done by a person or firm individually may be unlawful if done collectively by persons or firms. A simple discussion of collective action or even collective concerns that could develop into collective action may be a violation of antitrust laws. It is not necessary to have a written agreement for there to be a violation. Good business sense or even logic is not a defense to actions that violate antitrust law.

Violation of the antitrust laws can result in civil or criminal penalties, or both. These penalties can be severe and can be imposed on companies and individuals.

## **AACA Policy**

AACA as an organization is committed to taking what steps it can along with its' Members to avoid a violation of antitrust law which is the purpose of this policy. While this policy is not an exhaustive review of the actions that should not be taken, in connection with meetings arranged by or through AACA there should be no discussion, information exchange or agreements reached on the following subjects:

- **Pricing Issues.** These issues include but are not limited to passenger fares, cargo rates, service fees, discounts, credit terms, warranty terms, fuel surcharges, refund policies, travel agents' commission rates, frequent flyer program policies, methods of recouping taxes, fees or charges, or capacity or output.

- **Division or allocation of markets or customers.** These issues include but are not limited to geographic limitations on the availability of a service or product, dividing up customers or dividing up a territory in which a service or product will be provided for anti-competitive purposes.
- **Limitations on Business.** These issues include but are not limited to refusing to do business with a customer, group of customers, category of customers, a supplier, group of suppliers or category of suppliers for anti-competitive purposes.
- **Confidential Information.** It is not appropriate to use confidential or sensitive information about an individual or a company, including pricing information, customer information and business plans.
- **Bidding Information.** It is not appropriate to exchange or discuss competitively sensitive information about bids or requests for proposals, including bids for government contracts

### **Your Actions**

There are other areas that must be avoided under the antitrust laws and those may vary by jurisdiction. If you have any question about what may or may not be covered by the antitrust laws, or you become uncomfortable about discussing a matter because you believe that it is competitively sensitive, you should immediately seek the advice of legal counsel before proceeding with a discussion of that matter.

AACA thanks you for your attention to and compliance with this policy.