

## ICPC

### Competition Law Code of Conduct

All ICPC Full Members, Associate Members, and Government Observers and each of their Representatives shall read this Code of Conduct and undertake to adhere to the commitment set out below. Further information concerning the background to this Code of Conduct can be obtained from the General Manager.

#### A. GENERAL PRINCIPLES

- Those participating in ICPC activities undertake to comply in all respects with all relevant competition laws, rules and regulations. More particularly, such persons undertake not to participate in the activities listed in Section B below. Should there be any doubt if a particular conduct or action is compatible with such laws, rules and regulations the Members involved shall seek independent legal advice.
- The ICPC undertakes to take appropriate competition law advice on whether or not any particular new recommendation or activity is permitted or may be notifiable under any applicable competition or antitrust laws, rules and regulations.
- The ICPC shall, in the event that it is discovered that there has been an actual or potential breach of an applicable competition rule or regulation, take all necessary action to rectify such breaches as quickly and as practicably as possible.
- The ICPC will co-operate fully with any investigation or enquiry into its activities by any relevant competition law enforcement or surveillance authorities.

#### B. ACTIVITIES CONSIDERED INAPPROPRIATE

All Members and their representatives shall not discuss any of the following matters, either in the context of any ICPC meeting, or at any time when attending an ICPC meeting or event, including during breaks in any meetings or sessions or at any other time whether formally or informally:

##### 1. Prices or Conditions of Sale

The prices of the capacity or services offered in their cables, or construction costs including:

- Individual company prices, price changes or conditions of supply.
- Industry pricing policies, price levels and changes in price.
- Mark-ups, discounts, allowances or credit terms.
- Costs of production or distribution
- Individual company figures on sources of supply, costs, production or sales.

The prices to be paid for the purchase with regard to cable systems of:

- components
- installation or maintenance
- governmental permits or licenses required for installation or landing.

## 2. Business Strategy

Information regarding future investment, production, distribution or the marketing plans of individual companies or groups of companies nor any matters relating to individual suppliers or customers, particularly any actions which might have the effect of excluding any company from the market, including:

- Intention to establish new cables

Any intention of any company to establish a cable, unless such information has been made public without any breach of this Agreement prior to the relevant ICPC meeting, session or contact.

- Intention to decommission or withdraw cables from use or decrease capacity

Any intention to decommission or withdraw cables from use, or any related matter such as the recovery aspects of any cable, unless the decommissioning or withdrawal from use has already been made public without any breach of this Agreement prior to the relevant ICPC meeting, session or contact.

- Customer allocation

Any intention not to pursue an individual customer or a group or type of customers.

- Market allocation

Any intention to limit sales to a particular region or group of customers.

- Investments or technical developments

Any particular technical developments or investments made by their companies other than as strictly necessary within the course of ICPC activities. (In any case, companies should not reveal any non-public information.)

- Sensitive Information

Any other commercially sensitive information, including non-public financial information, which could cause the recipients of the information to alter their commercial behaviour.

### 3. Group Action

- Members and their representatives shall not make any agreement involving or otherwise discuss any allocation or division of markets or customers.
- Although a Member may report on publicly available information regarding new technologies relating to the production, installation or maintenance of cable systems, the Members may not conduct discussions for the purpose of making a group evaluation of the quality, feasibility or effectiveness of such technologies.
- Before beginning the development or discussion of any proposed technical standards, ICPC will consult with competition counsel. Adherence by Members or non-Members to any technical standards developed and proposed by the ICPC relating to cable systems should be purely voluntary.

#### C. MEETING AGENDAS

The following text shall appear on each page of all ICPC Meeting Agendas:

“In ICPC meetings, members must not discuss pricing, competitively sensitive business information or other proscribed topics listed in the Competition Law Code of Conduct”.