

ASI Antitrust Compliance Policy

This Policy was adopted by the ASI Board as a By-Law on 24 May 2016 and is available at: www.aluminium-stewardship.org/about-asi/policies/

Introduction

The Aluminium Stewardship Initiative (ASI) is a standards setting and certification organisation that recognises and fosters the responsible production, sourcing and stewardship of aluminium. As a member-based, global initiative, ASI is the result of producers, users and stakeholders in the aluminium value chain coming together to build consensus on 'responsible aluminium'.

ASI is developing an independent third party certification program to ensure sustainability and human rights principles are increasingly embedded in aluminium production, use and recycling. This Policy has been adopted as a By-Law and applies to all participants in ASI's activities.

Antitrust Policy

ASI members and participants acknowledge and understand that ASI's activities must at all times be undertaken with an understanding of the importance of compliance with all applicable laws and regulations, including but not limited to laws and regulations relating to Antitrust and competition. These laws are intended to preserve and promote free, fair and open competition.

Therefore, in carrying out its activities, it is the Policy of ASI as an initiative and its participants to act at all times in accordance with, and strictly adhere to, the letter and the spirit of all applicable national and international antitrust and competition laws and regulations.

ASI undertakes to ensure that this Policy is made known to all individuals and groups participating in ASI and engaged in administering its activities, and given due regard.

Antitrust compliance is the responsibility of every ASI participant. Any violation of Antitrust Laws or of this Policy may result in immediate suspension from participation in ASI activities.

Guidelines for Compliance

- ASI as an initiative will not become involved in the competitive business decisions of ASI members and participants, nor will it take any action that would tend to restrain competition in the aluminium value chain.
- No ASI activity shall be used to bring about, or attempt to bring about, any understanding or agreement that violates or causes a violation of Antitrust Laws, whether written or oral, formal or informal, expressed or implied, among its participating companies with regard to, but not limited to, price fixing, market sharing, bid-rigging, limiting production or supply, boycotting, or unfair discrimination.
- No ASI activity shall involve the exchange or collection and dissemination of business secrets or other commercially sensitive information among its participants. Such commercially sensitive information includes (but is not limited to) information (other than information already publicly available) regarding:

- a) previous, current or future negotiations with individual customers, or negotiation strategies generally;
 - b) previous, current or future terms of trade, including but not limited to prices;
 - c) capacity, production or sales forecasts;
 - d) previous, current or future stock levels;
 - e) previous, current or future production and/or export data, whether by asset or otherwise; and
 - f) previous, current or future sales data, whether by asset or customer or otherwise.
- Notwithstanding the foregoing, commercially sensitive information does *not* include aggregate industry data made up or comprised of commercially sensitive information, provided that such aggregate data is collected and aggregated by an independent third party or ASI staff operating within an appropriately controlled environment (e.g., with an appropriate “firewall”), and is provided to ASI participants in such a manner as to prevent any ASI participants from ascertaining company-specific commercially sensitive information from which the aggregate data was derived.
 - No ASI activity shall include any discussion or action which might be construed as an agreement or understanding to prevent any business entity from gaining access to any market or to any customer for goods or services, or to prevent or boycott any business entity from obtaining a supply of goods or otherwise purchasing goods or services freely in the market.
 - No ASI activity shall include any discussion or action that might be construed as an agreement or understanding to refrain from purchasing (or limit the prices paid for) any raw materials, semi-finished products, equipment, services or other supplies from any supplier.
 - The development of common sustainability standards for the aluminium value chain is not intended to limit any company’s freedom or discretion to make its own business decisions, to prevent the manufacture or sale of any product not conforming to such a specified standard, or to have the effect of restraining competition.
 - No company shall be unreasonably or arbitrarily excluded from participation in any ASI activity, where such exclusion may impair such company's ability to compete effectively in the aluminium value chain.
 - The following statement will be included on the agenda of all ASI meetings.
 - *Attendees are kindly reminded that the ASI is committed to complying with all relevant antitrust and competition laws and regulations and, to that end, has adopted an Antitrust Policy, compliance with which is a condition of continued ASI participation. Failure to abide by these laws can potentially have extremely serious consequences for the ASI and its participants, including heavy fines and, in some jurisdictions, imprisonment for individuals. You are therefore asked to have due regard to this Policy today and indeed in respect of all other ASI activity.*
 - This Policy will be publicly available on the ASI website.

Contact ASI

Should you have any concerns or queries about this policy or its implementation please contact ASI at: info@aluminium-stewardship.org

Revision history

Version 1 – adopted 23 April 2015

Version 2 – adopted 24 May 2016 (this version)