

ASI Standards Committee

Teleconference
FINAL Minutes

1 March 2023

Before we begin...

Anti Trust Compliance

Compliance with *ASI Antitrust Policy (February 2021)* is a condition of continued participation in ASI activities. Participants should have due regard to this Policy today and in all other ASI activities. Feel free to raise concerns or questions with the Secretariat and/or Chair(s).

- https://aluminium-stewardship.org/wp-content/uploads/dlm_uploads/2017/10/ASI-Antitrust-Compliance-Policy-02-2021-.pdf

Acknowledgement of Indigenous People

ASI acknowledges Indigenous Peoples and their connections to their traditional lands where we and our Members operate. We aim to respect the cultural heritage, customs and beliefs of all Indigenous People and we pay our respects to Elders past, present and emerging.

Ways of Working

- We are a multi-stakeholder organisation.
- Dialogue is at the heart of everything we do.
- We welcome all participants and enable the full participation of all attendees
- We value diversity of backgrounds, views and opinions, which lends itself to healthy debate and improved outcomes.
- We express our views and listen to the views of others in a respectful and professional way

Agenda

	Topic	Lead	Slides	Documents Circulated/Linked	Time (mins)	Objective
Governance	1. Welcome, Introduction & Apologies	Chairs	4	2. ASI - SCMemberApptAlternateForm 1March2023.doc 3. ASI - SCMemberApptProxyForm 1March2023.doc 4. SC Disclosed Conflicts of Interest.docx	5	
	2. Anti-Trust Refresher	AW	5 & 20-31		20	SC update
	3. Previous Meeting Minutes	CB	6	5. DRAFT Minutes ASI SC Teleconference 25Jan2023.pdf	5	SC decision: approve publication on website
	4. Previous meetings ACTIONS	CB	7			SC update
Short term (Q1/2 2023)	5. ASI Board meeting 2 February	AW	8		15	SC update
	6. ASI Standards Committee & Secretariat Actions re Assurance	Secretariat	9-10		35	SC decision: interim policy re site visits
	7. Clarifying amendment to PS10.8	CB	11-14		10	SC decision: amend wording of 10.8(c)
	8. Guidance Revision	Secretariat	15-17	https://aluminiumstewardship.box.com/s/xkv4i0wkwfmg6qitukx18lvkxfrzivsh : 6. DRAFT_240223_ASI Glossary V1.1.docx 7. DRAFT_240223_ASI Performance Standard Guidance V3.1.docx 8. DRAFT_240223_ASI Chain of Custody Standard - Guidance V2.1.docx 9. DRAFT_240223_ASI Claims Guide V3.docx 10. ASI Guidance documents – Substantive wording changes [circulated following 25 January meeting]	25	SC decision: • Agreement on changes
ACTIONS	9. AOB, next meeting & close	Chairs	18-19		5	Define ACTIONS, next meeting

1. Welcome, Introduction & Apologies, Conflicts of Interest

Attendees (<https://aluminium-stewardship.org/about-asi/asi-standards-committee/>)

1. Andy Doran (Novelis)
2. Annemarie Goedmakers (Chimbo Foundation)
3. Gesa Jauck (Trimet)
4. Guilbert Ebune (Arconic)
5. Hugo Rainey (WCS)
6. Ioannis (John) Koufopoulos (Elval)
7. José Rubio (Fauna & Flora International)
8. Kendyl Salcito (Nomogaia) *
9. Kristen King (Ardagh)
10. Louis Biswane (Organisation of Kaliña & Lokono In Marowijne)
11. Marcel Pfitzer (Mercedes-Benz Group AG)
12. Nadine Schaufelberger (Ronald AG)
13. Neill Wilkins (IHRB)
14. Nicholas Barla (IPAF)
15. Olivier Néel (Constellium)
16. Sinika Lein (Otto Fuchs)
17. Steve Bater (Emirates Global Aluminium) *

* ASI Standards Committee co-Chair

Apologies

- Emma Watson (Science Based Targets Initiative)
- Patrick Brading (Hydro)
- Sinika Lein (Otto Fuchs)

ASI Secretariat (<https://aluminium-stewardship.org/about-asi/asi-team/>)

- Andrew Wood (AW), Director of Sustainable Investment & Legal
- Cameron Jones, Director of Assurance
- Chinelo Etiaba, Membership Director
- Chris Bayliss (CB), Director of Standards
- Klaudia Michalska, Impacts Analyst
- Laura Brunello, Standards Co-ordinator
- Marieke van der Mijn, Director of Partnerships
- Mark Annandale, ASI Indigenous Peoples Advisory Forum Advisor
- Penda Diallo, Qualitative Research Manager
- Thad Mermer, Communications Manager
- Vicky Tran, Assurance and Accreditation Manager

Proxies:

2. Anti-Trust Refresher

- What is antitrust/competition law and how does it impact ASI?
 - What is ASI's Antitrust Policy?
 - How does ASI's Policy impact discussions in the Standards Committee (or any other ASI forum)?
 - Any questions?
- See Appendix 1 for slides containing content covered

3. Previous Meeting (25 January) Minutes

- Propose the Committee accept minutes for publication on ASI website

- For decision: **Committee AGREED**

4. Previous Meeting Actions

	Topic	ACTIONS
Governance	1. Welcome & Introduction	
	2. Previous Meeting Minutes	<ul style="list-style-type: none"> Approved; Secretariat to publish to website [COMPLETE]
Short term (Q1 2023)	4. Clarifying amendment to PS10.8	<ul style="list-style-type: none"> Secretariat to develop example calculations for possible inclusion in Guidance (using ILO resources; https://www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS_DOC_ENT_HLP_TIM_FAQ_EN/lang--en/index.htm) for next meeting; [COMPLETE] Standards Committee to take a decision on amendment to criterion language and inclusion of example calculations in Guidance at next meeting. [UNDERWAY – ON TODAY'S AGENDA]
	5. Guidance Revision	<ul style="list-style-type: none"> Secretariat to re-circulate redline Microsoft Word versions for review [COMPLETE]; Standards Committee to review, with comments and questions to Secretariat by next Committee meeting; [COMPLETE] End February Committee meeting: decision on recommendation to ASI Board (April). UNDERWAY – ON TODAY'S AGENDA]
	6. Information Management System	<ul style="list-style-type: none"> SC continues to support the development of the system; Published PDFs should remain the formally approved (ASI Standards Committee recommended and ASI Board approved) versions of the Standards and Guidance documents.
	8. "Driving Force Automotive Supply Chains and Forced Labor in the Uyghur Region" – research and recommendations	<ul style="list-style-type: none"> The ASI Board should be appraised of the research and published report and requested the ASI Secretariat to do so at the next ASI Board meeting (2 Feb 2023) [COMPLETE]; Standards Committee to develop additional Guidance for Auditors under Principles 9 and 10 of the Performance Standard (in particular Criteria 9.1 HRDD and 10.3 Forced Labour) and within the Assurance Manual. [ONGOING]
ACTIONS	10. AOB, next meeting & close	<ul style="list-style-type: none"> Wednesday 1st March 1300–1500 CET

5. Report from the ASI Board

As requested by the Committee, the ASI Board was informed of the release of the Driving Force report and appraised of Standards Committee discussions. Notes from that meeting (2 Feb) are included below:

- In advance of the meeting, as part of the Board papers, the Board was sent a link to the Nomo Gaia/Sheffield “Driving Force” report on XUAR, which was an item for discussion at the Board meeting
 - During the meeting, the CEO referred to the presentations by Dr Kendyl Salcito Nomo Gaia at each of the Standards Committee and the “45 minutes on...” webinar
 - The need for a refresher to be given to ASI Standards Committee members on ASI’s antitrust policy was discussed
 - There was also a general discussion on the rate of certification of members in China and ASI’s aim of seeking to lift the performance of the whole sector as much as possible, as opposed to forming a small category of elite performers
 - The discussion was truncated in view of time constraints, however this will be an on-going issue for Board review
- The Standards Committee expressed surprise that the ACTIONS for the Committee from the Board meeting were so few/limited
- The Secretariat noted that this Standards Committee meeting agenda included a number of proposals/recommendations for Board consideration at its next meeting in April – there is a need for the Secretariat and Committee to define more clearly recommendations/questions for the Board’s consideration.

6. ASI Secretariat & Standards Committee Actions re Assurance Framework

- ASI Complaints Mechanism (<https://aluminium-stewardship.org/complaints-mechanism>)
- Guinea audits (2022/23): Registered Specialist & ASI witness assessment briefing/case study through a 45 mins on... webinar, following conclusion of reporting and oversight processes: Standards Committee SUPPORTS, but requested additional update from the Secretariat:
 - The Secretariat has received a letter from an advisory group to a number of local communities in Guinea regarding an upcoming audit and community engagement; the Secretariat has responded and will meet with the group in the coming weeks;
 - ASI witness assessments, carried out by ASI Secretariat staff, form part of the audits carried out and planned in Guinea;
 - A briefing can be expected once Audit reports are finalised.
- Briefing to Standards Committee by ASI Auditor(s) on how they approach ASI Audits (including community interviews)
 - ACTION: this should be held (remotely) in Q2 2023, subject to Auditor availability; recent high-risk Audit as the subject preferred
 - ACTION: Secretariat to explore additional face-to-face Auditor feedback session and Standards Committee discussion at September 2023 meeting
- Auditor training and Community of Practice
 - Planned work with Chinese Auditors & Entities in 2023 include training and witness assessments
 - Standards Committee SUPPORTS
- Assurance Manual updates:
 - Additional text on reprisals risk; Secretariat is reviewing other initiatives' approaches;
 - Standards Committee SUPPORTS development of text for inclusion in Q3/4 2023 update of the Assurance Manual

6. ASI Secretariat & Standards Committee Actions re Assurance Framework

- **From Minutes of last Meeting:** Guidance for Auditors under Principles 9 and 10 of the Performance Standard and within the Assurance Manual, to provide clarity around:
 1. Supply chain, including clarification around customers of members, as well as suppliers to members;
 2. The limits of Assurance with respect to verification of supply chain risks (a responsibility of the Business/Entity);
 3. The issuance of Conformance ratings and situations where Auditors are unable to rate, due to external factors (e.g. where there is an inability to ask certain questions or to receive frank and complete answers), which may include the following:
 - Noting that verification of a particular Criterion was not possible and excluding that Criterion from conformance (with potential remedial actions required);
 - Noting a non-conformance against a particular Criterion if the Entity was not able to verify conformance sufficiently (with remedial actions); or
 - Where the Criteria, in respect of which conformance is unable to be verified, are significant, failing to certify the Entity (with remedial actions)
- Under the first bullet of (3) above, a Standards Committee member suggested exploration of criteria that account for situations where Applicable Law may restrict an Entity (or Auditor's) ability to take action (such as that currently included under Labour Rights criterion 10.1.d in v3 of the Performance Standard)
- While global and comparable applicability of the Standards (and Assurance quality) is the primary aim, the Committee AGREED to explore this as part of the next revision cycle of (normative) criteria

6. ASI Secretariat & Standards Committee Actions re Assurance Framework

- Remote audits:
 - Review of recent remote audits (Covid restrictions related)
 - No remote audit requests in the pipeline
 - Interim policy still in effect: compulsory unless very good reason (eg Covid restrictions)
 - Discussion & proposal on future approach
- Standards Committee RECOMMENDATION to ASI Board for decision at April meeting:
 1. Revoke the current interim policy on remote audits, effective immediately;
 2. Standards Committee to develop and recommend text (for Board approval) on Force Majeure provision for remote audits to include in Q3/4 2023 Assurance Manual update;
 3. Force Majeure provision for remote audits to be reviewed annually (as part of the scheduled review of Assurance Manual, along with other ASI Guidance)

7. Clarifying amendment to PS10.8 (proposal)

10.8 Working Time. The Entity shall:

- a. Comply with Applicable Law and industry standards on Working Time (including Overtime working hours), public holidays and paid annual leave.
- b. Ensure Workers have, at a minimum, an average of one day off per seven-day period.
- c. Ensure the workday is 8 hours on average over a six-month period.

Intent of Criterion is not accurately reflected in wording of (c) – e.g. impact on part-time workers.

Auditor is likely to understand the intent of (c) but, for clarity, the sub-criterion could be reworded:

- c. Ensure the workday **does not exceed** 8 hours on average over a six-month period.

➤ For decision

7. Example calculations for Criterion PS10.8c

Example 1 (part time)

Where:

h is total hours worked in a given reference period (1 week, 3 weeks, other)

d is the number of days worked in a given reference period

$$8 = h/d$$

Person A works a part-time job of the equivalent of 3 days a week (24 hours), based on a 40 hours work week.

Person A's working hours are:

Monday: 4 hours, Tuesday: 6 hours, Wednesday: 8 hours, Thursday: 6 hours

Average hours per week: 24 hours; average hours a day: 6 hours

$$n = (24*3)/(4*3) = 6$$

(Reference period = 3 weeks)

Example 2 (including Overtime)

Week 1: 60 hours (Monday through to Friday: 12 hours)

Week 2: 30 hours (Monday through to Friday: 5 hours)

Week 3: 30 hours (Monday through to Friday: 5 hours, +Overtime of 8 hours on Saturday)

When Overtime is considered separately (not taken into account for the averaging, as it is voluntary)

$$n = (60 + (2*30)) / (3*5)$$

$$n = 120 / 15$$

$$n = 8$$

(Reference period = 3 weeks)

7. Example calculations for Criterion PS10.8c

Example 3 (Fly-in-fly-out)

Week 1 to 4: 8 hours a day, 7 days a week, 56 hours a week, 224 hours over the 4 week period

Week 5 to 6: no work (not annual leave).

$$N = (56 * 4) / 6$$

$$N = 224 / 6$$

Average per week (rounded down): 37 hours

➤ For decision

➤ Clarifying Amendment to PS 10.8 (V3.1):

Committee AGREED

➤ Inclusion of example calculations in PS 10.8 Guidance (V3.1)

Committee AGREED

8. Guidance Revision

- A list of substantive changes to the Guidance documents has been circulated to the Standards Committee for review. This concerns:
 - ASI Performance Standard Guidance (v3.1),
 - ASI Chain of Custody Standard Guidance (v2.1),
 - Glossary (v1.1),
 - ASI Claims Guide (v3).
 - The editorial changes can be found in [tracked changes](#) in the Word documents.
- For decision:
- Committee AGREED to recommend the ASI Board adopt as By-Laws the amended Guidance documents
 - Committee AGREED to recommend the ASI Board adopt as a By-Law the ASI Performance Standard, amended with clarifications under Criterion 10.8c

8. Guidance Revision

- Suggestion by a SC member to have an amendment to the guidance of PS 2.5 (Environmental and Social Impact Assessments)
- “2.5 Identification of risks and impacts should be based on: ~~Recent~~ environmental and social baseline data.”
- Not just *recent* environmental and social baseline data should be considered, but also spanning back so that all possible impacts are considered. **Proposal to remove ‘recent’**
- Suggestion to amend wording of ‘Legacy Impacts’ in the Glossary, to also include impacts to the environment (such as : land clearing)

Legacy Impacts	<p>Significant impacts which historically occurred at the Facility that have not been remediated and are still impacting Affected Populations and Organisations <u>and/or the environment</u>. These may be impacts that occurred:</p> <ul style="list-style-type: none">• prior to Certification, and/or• prior to the current owner purchasing the Facility, and/or• in the establishment of the Facility. <p>Legacy Impacts may have occurred many years prior; there is no ‘cut-off’ at which Legacy Impacts meeting the above requirements are not to be considered.</p>
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- The Committee discussed the merits of “recent” language as well as alternative “relevant”, but could not reach agreement; recent had been include previously to ensure the that the baseline data was current or applicable, rather than “old” baseline data; for further discussion in later Guidance updated; NO DELETION in V3.1 of the Guidance.
- The Committee AGREED to inclusion of the revised Legacy Impacts Glossary text.

8. Guidance Revision

- Suggestion by a SC member to have an explicit articulation of 'sound' in the guidance to PS 6.1, as well as examples for it.

6.1 Emissions to Air

The Entity shall:

- a. Quantify and publicly disclose Material Emissions to Air from its activities and, where possible, from those within its Area of Influence on an annual basis.
- b. Implement plans to minimise exposure to, and impacts from Emissions to Air.

- Proposal: (addition in red)

"When undertaking an Impact Assessment, consider parameters such as physical, chemical and biological stressors relating to the site's Emissions to Air, including particulate emissions. **An example of stressor would be sound waves emitted by the Entity's activities, which includes audible sound waves, infrasonic waves (below 20 Hz) and ultrasonic waves (above 20,000 Hz).**

The attenuation of noise emissions is fundamental in reducing not only impacts to Worker and Community health, but also any potential impacts to Biodiversity. Attenuation of noise can be achieved through operational controls such as (but not limited to), installation of insulative materials, installation of sound walls, enclosing equipment, and restricting the operating hours of fixed and mobile equipment.

For example, audible sound waves generated by blasting and movement of heavy machinery and transport can cause serious disturbance to local communities and wildlife. Similarly, ultrasonic sound waves from vehicles can impede some bat species' high-frequency echo-location calls, which they use to find insect prey such as moths.

- The Committee AGREED to the inclusion of the text in Guidance but saw it as more appropriate in Criterion 8.1 Biodiversity and Ecosystem Services Risk and Impact Assessment. (in addition to Guidance on noise related to Principle 11 Occupational Health & Safety: Secretariat to make change in v3.1 of Guidance)
- The Committee re-iterated a gap previously identified around noise, sound, vibration and other non-emission related hazards, which do not belong under 6.1 Emissions to Air
- The Committee requested the Nature Positive Working Group to begin to develop non air emission exposure related criteria (starting with sound and vibration and taking account of recent and upcoming research in this area) which could be included in the v4 Performance Standard

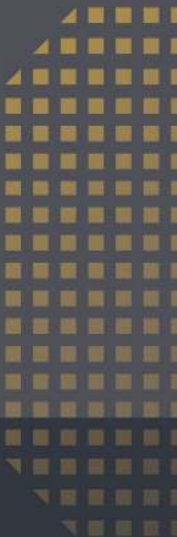
9. ACTIONS, Next Meeting & Close

- Agree any final post-meeting actions and timeframes for Committee members
- Agree actions for Secretariat
- Date(s) of next meeting
 - Following Board meeting on 5th April
 - Wednesday 19th April 2023
- Chairs and Secretariat thanks to all participants and close of meeting

ACTIONS

	Topic	ACTIONS
Governance	2. Anti-Trust Refresher	Slides shared in Appendix 1 [COMPLETE]
	3. Previous Meeting Minutes	Approved; Secretariat to publish to website [COMPLETE]
Short term (Q1/2 2023)	6. ASI Standards Committee & Secretariat Actions re Assurance	<ul style="list-style-type: none"> Auditor Briefing to Standards Committee in Q2 2023, subject to availability; recent high-risk Audit as the subject preferred Secretariat to explore additional face-to-face Auditor feedback session and discussion at September 2023 meeting Reprisal risk text for inclusion in Q3/4 2023 update of the Assurance Manual Committee to explore Criteria that account for specificities of Applicable Law in next Standards revision cycle RECOMMENDATION to ASI Board (April 2023): Revoke the current interim policy on remote audits, effective immediately; Standards Committee to develop and recommend text (for Board approval) on Force Majeure provision for remote audits to include in Q3/4 2023 Assurance Manual update; Force Majeure provision for remote audits to be reviewed annually (as part of the scheduled review of Assurance Manual, along with other ASI Guidance)
	7. Clarifying amendment to PS10.8	<ul style="list-style-type: none"> Amend PS 10.8 with clarifying text and RECOMMEND ASI Board adopt revised Performance Standard as a By-Law (April 2023) Include example calculations in PS 10.8 Guidance (v3.1)
	8. Guidance Revisions	<ul style="list-style-type: none"> Secretariat to revise Legacy Impacts text in ASI Glossary v1.1 Secretariat to include text on sound in PS 8.1 Guidance (v3.1) RECOMMENDATION to ASI Board (April 2023): adoption of revised ASI Performance Standard Guidance (v3.1), ASI Chain of Custody Standard Guidance (v2.1), ASI Glossary (v1.1), ASI Claims Guide (v3) as By-Laws Nature Positive Working Group to begin to develop sound and vibration Criteria towards ASI Performance Standard v4.0
ACTIONS	10. AOB, next meeting & close	<ul style="list-style-type: none"> Secretariat to propose date and location of September 2023 face-to-face Standards Committee meeting Standards Committee civil society vacancies on next meeting agenda Latest Governance Survey results on next meeting agenda

Appendix 1: Anti Trust Refresher



What is antitrust/competition law?

- *Please note this training relates to the Standards Committee and ASI's policy and is not antitrust advice with respect to your own/your organisation's activities*
- The purpose of antitrust/competition law is to **ensure that markets are free and fair** by prohibiting **distortions of competition**
 - competition law can vary by country, although there is much in common
- In general, competition laws strictly prohibit cartels whereby competing enterprises collude together on matters
- Typical “hard-core” restrictions between enterprises that are prohibited by competition laws include:
 - price fixing
 - limits on production volumes
 - market sharing (by customer or territory)
- These restrictions are usually prohibited **irrespective of their actual effect** upon the market



What is antitrust/competition law? (cont.)

- Competition laws also typically prohibit restrictive agreements between enterprises which have (or are likely to have) an anti-competitive effect
- A restriction is more likely to have a negative effect on competition where the parties (individually or jointly) have some degree of market power
- Boycotts (however named) are generally unlawful, where parties engage in concert, such as agreeing not to deal with a particular company, or only on certain terms
- An individual company (subject to the extent of its market power) may, on its own, decide to refuse to deal with another company (or only deal on certain terms)
- However, competitors together making such decisions, or refusing to deal with a company, may be illegal



Who is competition law relevant to?

- Most competition law regulates **competitors**
- **Many ASI members** are **competitors** in various markets and are subject to competition law due to their commercial activities
 - members must take precautions when meeting competitors in organisations such as industry associations/standardisation bodies like ASI
- However, some competition law provisions apply to **any person** engaging in **anti-competitive conduct**
 - even if not in a market, no market power or not working with a competitor
- Competition law also applies to industry associations/multi-stakeholder forums that bring competitors together (even if the organisation's purpose relates to responsible business conduct):
 - ASI has some responsibility for members meeting in an ASI forum
 - ASI cannot induce members to engage in anti-competitive conduct
 - ASI standardisation/certification activities are subject to competition law



What protective measures should ASI take?

- ASI has an intrinsic/existential risk in that ASI is seeking to improve ESG performance in the aluminium value chain by setting/certifying against standards
- This could be seen as limiting some markets for non-ASI certified players
- ASI has some structural protection through:
 - being a multi-stakeholder organisation with different member categories
 - being an inclusive body, not aiming to exclude members or restrict markets
 - having global standards across the whole aluminium value chain and
 - companies' decisions whether to seek certification to the standards being voluntary
- These aspects are not sufficient, as ESG objectives provide no antitrust exemption (and antitrust enforcement actions have been at times politicised in various countries) so standards bodies like ASI need to ensure:
 - individual companies decide alone how they deal with other companies
 - standards are set globally, without differentiating by region or markets
 - standards are applied globally and audited/certified equally
 - rules should not be overly restrictive or used to restrict competition
 - rules must be objectively justified by reasons other than market restrictions



Consequences of breaches

- Sanctions can be imposed for breaches even where an anti-competitive agreement or understanding may not have been implemented
- A breach can result in severe consequences for the enterprises and individuals concerned including:
 - significant fines (for companies and individuals)
 - jail sentences (for individuals)
 - agreements being declared void and unenforceable
 - director disqualification and
 - damages being awarded by the courts (to those harmed by the illegal conduct)
 - severe reputational harm



ASI Antitrust Compliance Policy (2015, updated 2017 and 2021)

- **Expresses ASI's commitment to strictly comply with all competition/antitrust laws**
 - purpose is to protect ASI (organisation, Secretariat, Board, Committees, Working Groups) and ASI members as a whole from antitrust risks
 - ASI has employees, members and activities in many locations
 - do not need to be physically in a country to be subject to its antitrust laws, if restricting a market there
 - one global policy, rather than multiple policies for different locations
 - policy not designed to discourage membership or participation in ASI, nor to limit discussion, provided that prohibited topics are not discussed
- Relevant to **every person involved in an ASI forum or ASI-related activities** including employees from both ASI and its members
 - all such persons – irrespective of whether that person is working for a company, civil society or association member of ASI or guests in an ASI forum – must be familiar with the policy and to abide by it at all times
 - this includes conduct in emailing other members or the Secretariat



ASI Policy “Golden Rules”

1. Each **individual member should always make its own unilateral decisions** as to how it deals with other members or companies (whether on the basis of information provided by ASI or not)
2. It is **strictly prohibited to discuss** any of the following matters in an ASI meeting, event or other forum (including email):
 - previous, current or future prices
 - capacity and production information or forecasts
 - previous, current or future sales information
 - **purchasing prices or trading terms with suppliers**
 - previous, current or future **negotiations with individual customers** including bidding strategies for public or private contracts



ASI Policy “Golden Rules” (cont.)

3. It is **strictly prohibited to discuss individual costs of compliance** with ASI Standards
4. It is **strictly prohibited to discuss passing on the cost of compliance** with ASI Standards to customers
5. It is **strictly prohibited to discuss any boycott or limitation on the purchase** of any raw materials, semi-finished products, equipment, services or other supplies from any supplier that does not meet ASI Standards



Conduct of ASI meetings and other activities

- In an ASI forum, the ASI Secretariat has the right to react to inappropriate discussions from an antitrust perspective:
 - provide guidance
 - end any potentially illegal discussions
 - postpone further discussion (pending external legal advice)
 - end the meeting if necessary (to be re-scheduled)
 - record these actions in the minutes of the meeting
- ASI is not trying to gag or censor anyone – ASI welcomes diverse views, opinions and robust discussion – but not if they breach ASI’s antitrust policy
- Some participants may have different views on this, for example:
 - you may think antitrust law does not apply to you or your organisation
 - you may have a different interpretation of the law
 - you may think trying to achieve some goal is worth running the risk of breaching antitrust law or our policy

You are entitled to hold those views, and you are free to say or do what you want outside any ASI forum (without implying ASI supports any such action you take), however, in any ASI forum, we expect you to comply with ASI’s policy

More on Standards Committee discussions

- Considering how to comply with ASI's policy when discussing recent topics:
 - specific examples of problems or risks with standards criteria, auditing and certification can be discussed
 - examples may involve discussion on any regional issues, such as in China, Guinea or India
 - however any measures in response to perceived problems or risks should be carefully evaluated by:
 - verifying the source, accuracy and relevance of any data being relied upon
 - justifying any change through reasons other than restricting markets or other anti-competitive conduct
 - applying any changes globally as far as possible and
 - applying any changes equally across members
 - See example of the 3 points for auditor guidance on the item 6 agenda slide
- Across-the-board boycotts on regional auditing or certifying should not be proposed, nor should advocating companies joining together to use their influence to negotiate with a customer or supplier on any terms or aspect of supply



Further consideration

- This discussion has focussed particularly on aspects of ASI's policy relevant to the Standards Committee
- There are other aspects of the policy which were not covered in the discussion in the interests of time, such as Statistics and ASI Standardisation and Certification Programme
- Committee members are therefore encouraged to read or re-read the ASI Antitrust Compliance Policy in full (link provided at start of this slide deck)
- Please direct any questions arising from this presentation or from a reading of the policy to:
 - Andrew Wood, Director of Sustainable Investment and Legal, ASI, andrew@aluminium-stewardship.org

