

RAIL FREIGHT GROUP (RFG)

**GUIDANCE FOR
MEMBERS ON
COMPETITION LAW
COMPLIANCE**

August 2019

EXECUTIVE SUMMARY

Rail Freight Group is a trade association representing a range of different businesses. Our members are united by a desire to see rail freight prosper and grow, and as an association we work to achieve that aim through our activities, which include influencing policy, bringing businesses together and promoting rail freight.

In some circumstances, RFG events and meetings will bring together a group of businesses who are competitors, and it is therefore essential that RFG staff and members take particular care to ensure that there can never be any suggestion of any form of anti-competitive behaviour. Breaches of competition law can have severe financial and reputational implications, and both members and RFG itself could be held liable in law if breaches occur.

RFG is committed to ensuring full compliance with competition law. It is the responsibility of each RFG member to be aware of the requirements of competition law and adhere to this at all times. These guidelines have been developed to protect RFG members and staff and should be followed at all RFG events and meetings. The guidelines aim to ensure transparency and to provide evidence that reasonable steps are being taken to avoid anticompetitive exchanges from occurring.

COMPETITIVELY SENSITIVE INFORMATION

Most importantly RFG members and staff must not discuss competitively sensitive information. Competitively sensitive information covers any non-public strategic information about a business's commercial policy. This includes, though is not limited to, future pricing, rebates and discounts, commercial strategies, sales and production data and matters relating to individual customers or suppliers. Care should also be taken in discussing historic cost or pricing information.

MEMBERSHIP AND GOVERNANCE

Membership of RFG is open to all businesses as defined in our Articles of Association. Our Articles also define our governance framework, including the appointment of Directors to the RFG Board.

RFG holds a varied event programme including dinners, social gatherings, conferences, and group meetings. Our events are open to all RFG members who wish to attend. At many events, non-members will also be present. RFG also hosts forums which will focus on a particular sector of the rail freight market and which are open to all RFG members in that sector or with an interest in that sector. An agenda for each RFG forum will be issued in advance, and the name and affiliation of those attending will be recorded. A note of each meeting will be produced and shared with those attending.

The requirements of this Guidance apply at any RFG event, meeting or forum. There will be no discussion of competitively sensitive information at or outside of the event, meeting or forum, for example during breaks.

POTENTIAL BREACHES

Should any participant at an RFG event, meeting or forum depart from this guidance or if an exchange of competitively sensitive information appears to be taking place or be about to take place, this must be drawn to the attention of the meeting chair, or most senior RFG staff member present.

They will remind members of the requirements of this guidance and prevent further exchanges occurring. A record will be made of this action including the potential breach and actions taken. Any person who believes that an event or meeting is departing from these guidelines is also entitled to leave and have their comments and the time of departure minuted.

FURTHER INFORMATION

For further information please contact Maggie Simpson, Director General, RFG, on 07737 007 957 maggie@rfg.org.uk