

## **Antitrust Rules Pursuant to Article 5 of the Constitution**

The eFuel Alliance is committed to the idea of fair competition. It is a coalition of political interests pursuing cross-industry goals in the quest to create a political and legal environment to support the introduction of eFuels.

### **I. General principles:**

Meetings, calls and video conferences of eFuel Alliance e.V. and its bodies or working groups are not to take place, and all members are prohibited from participating in such encounters, without exception, if they serve the purpose of, or provide a platform for, bringing about agreements, arrangements or other actions such as the following:

- agreements that prevent competition between the participating undertakings or trade relations with suppliers;
- the direct or indirect fixing of purchase or selling prices or any other trading conditions;
- the limitation or control of production, markets, technical development, or investment;
- the sharing of markets or sources of supply;
- the application of dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts;
- the restriction of the buyer's ability to determine its sale price;
- the restriction of the territory into which, or of the customers to whom, sales can be made;
- the restriction of active or passive sales to end users by members of a selective distribution system operating at the retail level of trade;
- the restriction of cross-supplies between distributors within a selective distribution system, including between distributors operating at different levels of trade;
- the restriction, agreed between a supplier of components and a buyer who incorporates those components, of the supplier's ability to sell the components as spare parts to end-users or to repairers or other service providers not entrusted by the buyer with the repair or servicing of its goods;
- the direct or indirect fixing of purchase or selling prices or any other trading conditions;
- the limitation or control of production, markets, technical development, or investment;
- or other arrangements or agreements violating antitrust and/or competition law.

### **II. This is to be ensured by way of the following measures in particular:**

#### **1. Invitation to meetings of the alliance**

The governing board and management shall ensure that invitations to meetings of the bodies are issued timely and officially, and shall enclose with such invitations an agenda containing as much detail as possible.

They shall procure that the agenda, meeting documents and minutes are formulated clearly and unambiguously and do not contain any items that are questionable from an antitrust perspective.

In case of doubt, the governing board is available to provide clarification or correction.

## 2. Conduct of meetings

Each meeting of the alliance shall be attended by at least one management representative. As a general rule, such representative shall be a member of the legal profession.

They shall be responsible for compliance with the formal and proper meeting procedures (including the agenda and taking of minutes).

At the beginning of the meeting, the chair shall instruct the attendees on conduct conforming with antitrust law. In case of meetings taking place regularly with the same group of attendees, this instruction is not to be given on the occasion of every meeting, but only at appropriate intervals.

The management or governing board shall ensure that there is no deviation from the agenda. If deviation is desired by attendees nonetheless, the chair of the meeting shall initiate a formal resolution concerning such change and record the resolution in the minutes.

Attendees should object to new agenda items if they believe that same are questionable from an antitrust perspective or if a formal resolution concerning the change is omitted. They should request that the deviation from the agenda and their objection be minuted.

## 3. Minutes

The minute-taker, as a general rule one of the managing director, shall produce correct, complete and accurate minutes of alliance meetings, including the resolutions adopted in such meetings.

The attendees should object if they notice that minutes are not being taken. The attendees can also record their own minutes.

Minute-takers shall ensure that the minutes are unambiguously and clearly formulated.

The minutes of meetings shall be sent to all attendees in short order.

Upon receipt, the attendees shall check that the minutes accurately reflect the meeting and its resolutions. They shall notify the alliance of incomplete or inaccurate minutes without undue delay, in particular as regards topics of antitrust relevance, and request a correction.

## 4. Conduct in meetings

The chair of the meeting shall ensure together with the management representative that no inadmissible resolutions, arrangements, talks or spontaneous comments on topics of antitrust relevance arise during the meetings.

The chair of the meeting, together with the management representative, shall without undue delay draw the attention of attendees to any conduct of theirs that does not comply with antitrust law.

The chair of the meeting should immediately adjourn or postpone the discussion or, if necessary, the entire meeting if legal clarification needs to be sought.

The attendees should request the adjournment or postponement of a discussion or meeting if they have any reservations concerning the legality of same. Such a request must be minuted.

Attendees should leave the meeting if a discussion that is questionable from an antitrust perspective is continued. The name of an attendee leaving a meeting and the time of their departure must be minuted.

#### 5. Binding effect pursuant to Article 15 of the constitution

Upon joining the association, the members undertake with legally binding effect to comply with its antitrust rules. They shall refrain from any conduct, agreement or practice which, whether internally or externally, could create the impression that the association eFuel Alliance e.V. or its members are preventing, restricting or distorting competition on the relevant market. No information is to be disclosed that is confidential or allows conclusions to be drawn about current or future market behaviour, and no such information is to be requested from other members who are competitors. Members are not to enter into any agreements whatsoever (whether orally, in writing or by way of concerted practices) that could possibly have a restrictive influence on competition.

Adopted by the governing board of eFuel Alliance e.V. on 17.03.2021