

Antitrust Guidelines

1.

These Antitrust Guidelines of the Industrial Digital Twin Association e.V. ("Association") shall be binding on all members and their representatives in their work within the Association's framework - in particular with respect to their participation in meetings, committees and working groups of the Association and its bodies formally convened by the Association (together: "Meetings"). The Association and its members are committed to antitrust compliance. Due to the fact that working in the Association brings together representatives of companies which have to act independently on the market and which may be competitors, particularly on the purchase or sales level, those participating in Meetings have to avoid unintentional violations of antitrust laws. The mere receipt of competitively sensitive information, let alone any agreement or concerted practice based on such information, may have adverse consequences for the Meeting's participants themselves, their institutions and companies, the other participants and members, and the Association itself.

Participants may therefore neither in nor at the occasion of Meetings engage in discussions that may result in an infringement of antitrust laws.

2.

Strict compliance with antitrust laws is essential and is expected from member companies, their bodies and those participating in Meetings. The following guidelines list examples of conduct that has to be observed at all times by those participating in Meetings and that has to be ensured by the members by using appropriate measures within their respective scope of responsibility:

- **Not only German and European antitrust law relevant:** Do not assume that antitrust laws of a particular country are not applicable to your discussions. Participants in Meetings therefore should follow these guidelines regardless of where Meetings are held.
- **No information on prices and costs:** Do not discuss or disclose information on terms and conditions of purchase or sale, in particular (purchase or sale) prices, including actual, projected, potential or future prices, discounts or surcharges for finished products or components, components of prices, costs, margins, profits or (planned or submitted) offers. Do not disclose formulas or measures of calculation.
- **No information on customers, suppliers or sales territories:** Do not discuss or disclose information on sales strategies, (future) market behavior, (planned or intended) sales territories and (negotiations with potential or actual) customers or suppliers.
- **No information on products and production:** Do not discuss and do not disclose information on inventories, production capacities, the number of units produced, limitations on production, release of new products, the timeframe and subject of development of new products, or collaborations on development or manufacture products.
- **No discussion of competitive coordination:** Do not discuss collective measures regarding the purchase or sale of products, boycotts, blacklists or obstruction of customers, competitors, suppliers or – especially with respect to membership in the Association by companies – other companies. Do not discuss intentions or decisions to negotiate or not to negotiate with customers or suppliers. Do not enter into portfolio agreements. Do not engage in discussions about providing or not providing services or products to customers or into certain territories or not engaging suppliers. Do not enter into discussions that may be construed as allocating customers, suppliers, markets or territories.
- **Transparent and non-discriminatory procedure in development and implementation of standards and norms:** Even if a planned measure may only become a de facto standard or norm, the procedure for its development has to be transparent, the parties involved have to be selected on the basis of non-discriminatory, objective and reasonable criteria and the planned measure must not lead to the exclusion or obstruction of competitors or a reduction of competition. In addition, the IP Policy of the Association shall apply.

3.

Therefore, **before** disclosing confidential information or engaging in discussions, always ask yourself the following **questions**:

- Do I have a reasonable interest for disclosing this information / having a discussion?
- Is disclosure of this information / discussion in the legitimate interest of my employer / the entity I represent?
- Is this information competitively sensitive / are discussion and the addressee competitively unobjectionable?
- What kind of impression would be created if my conduct were published in the press?
- Am I prepared to take responsibility for my conduct?

If you are unsure, prior to taking any action on your part contact your employer's compliance department or the Association's person responsible for compliance issues.

4.

During all Meetings and in preparation and making available of documents by the Association the Association supports antitrust compliance by organizational measures of its management within its sphere of influence with the following measures:

- Meetings are attended by employees of the Association or of the Association's affiliated associations and / or legal advisors who supervise compliance with antitrust law and draw attention to strict compliance with the standards of conduct at appropriate intervals or on an ad hoc basis.
- Association's invitations, minutes and publications require prior approval by the Association's management or an employee of the Association.
- Each invitation to a Meeting shall be accompanied by an agenda setting out in sufficient detail the topics to be discussed. Each member shall individually examine the agenda and inform the Association without delay if and to the extent it believes a planned Meeting's topics to be in danger of infringing antitrust law. The same shall apply to topics dealt with – in particular discussed – during Meetings. Meetings shall in general be documented in a suitable form.
- In all cases of doubt, the Association shall seek internal or external antitrust advice.

Frankfurt, February 25th 2021