



## 19 Antitrust Policy

19.1 *General*— ASTM is the standards forum of choice of a diverse range of individuals, companies and industries that come together under the auspices of ASTM to solve standardization challenges by developing consensus standards for their industries.

19.1.1 ASTM and its members are subject to federal (including Sherman Act, Clayton Act, Federal Trade Commission Act, and Robinson-Patman Act), state, and possibly antitrust/competition laws of countries other than the US. It is important for ASTM members and employees to be aware that they may be held liable for antitrust conspiracy by merely attending a meeting with inappropriate discussion (i.e. illegal price-fixing) even if not an active participant. See Section 19.2.2.5 for additional information. ASTM meeting attendees should formally object whenever an inappropriate topic for an ASTM meeting is engaged.

19.1.2 In carrying out its standardization objectives, it is ASTM's policy, to which no exception is made, that all ASTM activities shall be conducted in strict conformity with applicable antitrust laws. ASTM will not condone any violation of its policy in this regard, and any member or employee who violates such policy will be subject to expulsion or discharge from ASTM.

19.2 *Guidelines for Antitrust Compliance.*

19.2.1 *Membership*— Membership in ASTM or a committee shall not be denied to any qualified company or individual. No person shall be unreasonably excluded from participating in ASTM activities. (See Regulations Sections 4.3 and 4.4)

19.2.2 *Meetings.*

19.2.2.1 All technical committee meetings of ASTM committees are open to visitors and there is no fee to attend. (See Regulations Sections 9.1)

19.2.2.2 A detailed agenda should be prepared for each meeting planned by or on behalf of ASTM.

19.2.2.3 Meetings shall be scheduled in advance and members shall be notified (See Regulations Section 9.3).

19.2.2.4 Accurate minutes should be kept of all ASTM-sponsored meetings. The minutes of the preceding meeting should be approved before the start of the following meeting. If the proposed minutes were not accessible prior to the meeting, they should be accessible after approval.

19.2.2.5 There should be no discussion or exchange of any information by or among competitors concerning:

1. prices, price changes, price quotations, pricing policies, discounts, payment terms, credit, allowances, or terms or conditions of sale;
2. profits, profit margins or cost data;
3. market shares, sales territories or markets;
4. the allocation of customers or territories;
5. selection, rejection or termination of customers or suppliers;
6. restricting the territory or markets in which a company may resell services or products;
7. restricting the customers to whom a company may sell;
8. unreasonable restrictions on the development or use of materials or technologies;
9. any matter which is inconsistent with the proposition that each company/individual must exercise its independent business judgment in pricing its services or products, dealing with its customers and suppliers and choosing the markets in which it will compete.



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19.2.3 *Record Retention*— ASTM has a formal record retention policy for its official records. Records should reflect a factual, objective and business-like account of the activities of ASTM without retaining insignificant or out-dated information. Notes taken at meetings and drafts of documents are discarded.

19.2.4 *Official ASTM Communications*— All official ASTM correspondence, on ASTM letterhead, by anyone in any official ASTM capacity, must comply with the Regulations, Section 16. Any official ASTM communication being proposed as an ASTM position (email, letter, telecommunication, etc.), must first be reviewed and approved by ASTM staff.

19.2.5 *Standards*— Neither ASTM nor any committee, subcommittee or task group thereof shall make any effort to bring about the standardization of any product or service for the purpose or with the effect of (a) preventing the manufacture or sale of any product or service not conforming to a specified standard or (b) artificially (without legitimate business justification) inflating the price at which a product or service may be offered for sale or sold.

19.3 Any ASTM member or participant having any questions or concerns regarding the propriety of any activity being conducted by or on behalf of ASTM in light of this Antitrust Policy is encouraged to contact the ASTM staff manager of the specific committee, the Vice President of Technical Committee Operations, ASTM's General Counsel or its President. It is the intent and policy of ASTM to encourage such inquiries so that compliance with this policy may be ensured.