



CP#50-21 – Antitrust Compliance Guidelines

Approved: 03/26/22 | Revised: --/--/---

- 1.0 Purpose of Council Policy:** ICC brings together numerous government officials and industry members to participate in the code and standard development process. These Guidelines provide basic guidance on the antitrust laws that may be applicable to these and other activities sponsored by ICC and/or any ICC subsidiary (“ICC Activities”).

- 2.0 Background:** The antitrust laws prohibit joint activity or agreements between persons and businesses that unreasonably restrains trade. Such agreements may be written, unwritten, informal, or even unspoken. Violations of the federal antitrust laws may be felonies, which (1) can subject an individual to imprisonment, and (2) can subject companies and individuals to substantial monetary fines, civil liability for treble damages, and injunctions.

- 3.0 Guidelines:** To minimize the antitrust risks of ICC Activities, including code and standards development, those participating in ICC Activities (“ICC Participants”) should avoid even the appearance of discussing competitively sensitive information or reaching agreements that may harm competition. To this end, there should be no discussions, communications or agreements among ICC Participants regarding any of the following:
 - 3.1** Prices or pricing strategy, including current or projected prices; price levels; pricing procedures or formulas; price changes or differentials; markups; discounts; allowances; terms and conditions of sale; profits; margins; or product cost data;
 - 3.2** Production levels, production capacity, or product inventories;
 - 3.3** Current or potential bids for provision of particular products or services;
 - 3.4** Plans pertaining to the development, production, distribution, or marketing of particular products, including proposed marketing territories and potential customers;
 - 3.5** Terms on which any ICC Participant will or will not deal with particular competitors, suppliers, distributors, or customers;
 - 3.6** Allocation of customers, markets or territories;
 - 3.7** Employee compensation or benefits; or
 - 3.8** Non-public information regarding market shares or forward-looking strategic plans.

- 4.0 Scope:** These requirements apply to all ICC Activities. Care should be taken to ensure that ICC Activities, including without limitation the ICC code and standards development process, is not used to increase or stabilize prices, reduce quality or innovation, or to exclude actual or potential competitors or competition. ICC counsel should be consulted in all cases involving questions about, or interpretations of, these rules.