



**Association of Equipment Manufacturers**

**Antitrust Considerations and Guidelines  
Market Share Statistics**

# Antitrust Considerations and Guidelines

As a trade association (501(c)(6)), AEM is subject to both federal and state antitrust laws. As a matter of law, a trade association and its members stand in the same position under the antitrust laws as any other group of persons or firms. Thus, the legality of association activities is judged by the same standards as are applied to other entities.

AEM recognizes the need to be constantly vigilant to assure full compliance in all respects with the antitrust laws and, in furtherance thereof, hereby endorses the basic principles contained in this guide for members and staff of the Association.

The purpose of the antitrust laws is to preserve a competitive economy in which free enterprise can flourish. The Association's long insistence upon full compliance with all legal requirements in the antitrust field is based not only on a desire to stay within the bounds of the law, but also on the Association's conviction that the preservation of a free, competitive economy is essential to the welfare of the Association, the industry it represents, and the nation.

The following policy statements regarding antitrust considerations and guidelines are published in the AEM Bylaws.



# Antitrust Considerations

**This statement is intended to codify the Association's existing policy and to provide guidelines for compliance with the law.**

**The Association unequivocally supports the policy of competition served by the antitrust laws and reaffirms its uncompromising intent to comply strictly in all respects with those laws.**

**It is the responsibility of every member and staff person of AEM to be guided by the AEM policy of strict compliance with the antitrust laws in all AEM activities. It shall be the special responsibility of Association Officers, Bureaus, Council and Committee Chairmen to ensure that this policy is known and adhered to in the course of activities pursued under their leadership.**

**To assist the staff and all Officers, Bureaus, Council and Committee Chairmen in recognizing situations which may raise the appearance of an antitrust problem, the Association shall furnish to each of such persons a copy of this antitrust guide for AEM Members and Staff and will make available general legal counsel when questions arise as to the manner in which the antitrust laws may apply to the activities of AEM or any Bureau, Council or Committee of AEM.**



# Membership

- 1. Any firm meeting the requirements of membership as set forth in the Bylaws shall be admitted to membership in AEM on a non-discriminatory basis.**
- 2. Participation in any and all Association activities by a member company is wholly voluntary.**
- 3. No member of the Association shall have authority to represent that he/she/they is communicating on behalf of and as an official representative of the Association without prior approval of the Association.**



# Meetings

1. All Association meetings shall be regularly scheduled and attended by AEM staff. Secret or "rump" meetings shall be strictly avoided.
2. In conducting AEM meetings, the Chair thereof shall follow a formal agenda.
3. Minutes of all meetings shall be kept by a designated party who shall accurately record what actions were taken at the meeting. Minutes of all meetings shall be approved by legal counsel, when necessary, then Chair and Vice Chair, and then shall be submitted to the group for approval at its next meeting.
4. Legal counsel shall be present at all meetings of the Association's Board of Directors and at any other meeting at which sensitive issues may be discussed.
5. In informal or social discussions at the site of a AEM meeting, which are beyond the control of its Officers and Chairs, all members and staff are expected to observe the same standards of personal conduct required of the Association in its compliance with these antitrust guidelines.



# Topics of Discussion

- 1. AEM activities or communications shall include discussion or action on matters of interest to the industry.**
- 2. No AEM activity or communication shall include any discussion or action, for any purposes or in any fashion, of prices or pricing methods, production quotas or other limitations on production or sales.**
- 3. No AEM activity or communication shall include discussion or action which might be construed as an attempt to prevent any person or entity from gaining access to any customer, goods or services, to boycott any person or entity, or to prevent any person or entity from purchasing goods or services freely in the market.**
- 4. No AEM activity or communication shall include discussion or action which might be construed as an agreement or understanding to refrain from purchasing materials, equipment, services, or other supplies from any supplier.**
- 5. No AEM activity or communication shall include any other discussion or action which would tend to restrict competition in any manner between members or within the industry.**



# General Operating Procedures

1. **Guest speakers at Association functions and authors of Association materials shall be informed of the need to comply with Association antitrust guidelines in the preparation and presentation of matters to the membership.**
2. **Handouts at meetings conducted by the Association and, when possible, outlines or texts of presentations, shall be reviewed whenever practical by staff and when appropriate by legal counsel in advance.**
3. **In making this guide available to Association members, AEM intends it to serve as a practical aid to members and staff in dealing with the antitrust laws which have particular application to Association activities. The guide is by no means an attempt to provide a detailed analysis of the antitrust laws or as a substitute for individual legal advice in handling specific matters.**
4. **Just as membership and participation in AEM activities is a good investment for members, so too is an effective antitrust compliance program a good investment for the members of the Association.**

