

# Welcome to EIA

The EIA is a non-profit European organization which represents the interest of members from the Agriculture, Golf and Turf Industries.

## EIA General Assembly

Friday 23 April 2021

16.00 - 16.10

Online

# Code of Conduct

# Code of Conduct

EIA believes it is important that its activities are at all times carried out in accordance with the applicable law, especially competition law. EIA believes that business shall be conducted in an atmosphere of free competition, i.e. on the basis of price and quality. EIA recognises that competition law intends to stimulate free competition, something which has EIA's full support. EIA feels it is important to confirm this by adopting a Code of Conduct. This Code of Conduct shall be binding on all members as well as on other participants when taking part in activities of EIA. The Code of Conduct aims at providing clear rules to EIA's members, thus reducing the risk of improper conduct and consequently of fines being imposed.

## Prohibited topics

- Sale prices, rates, price adjustments
- Division/sharing of the market
- Exchanging market information
- Restriction of production or sales
- Boycotting specific suppliers or customers
- Publishing average prices



## Topics that might present a problem

- General terms and conditions of sale and delivery (if certain rules are not respected)
- Restrictions on participating in trade fairs
- Schemes for recognition/membership criteria
- Certain statistics systems



## List of topics that do not present a problem

- General cyclical economic data & business climate
- Lobbying activities (general interests)
- Labour law and social issues
- Legal and standardisation issues
- Safety, health and environmental issues
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The following rules shall at all times be respected within EIA:

## CORE PROCEDURES

1. Meetings of a body, committee, working group or other form of cooperation within EIA shall only take place after the members have been invited to the meeting in writing. The notice inviting to the meeting shall also include the agenda of the meeting.
2. Minutes shall be kept of each meeting as referred to in 1., above; these shall be sent to all members of the relevant body, committee, working group or other form of cooperation. The minutes shall be kept in an organised form for a period of at least 7-10 years.
3. Consultations and discussions in a body, committee, working group or other form of cooperation on the topics on the agenda and other topics, where these are related to the market (i.e. topics that may be of interest for the position and for determining the position of the individual members in competition), shall be limited to the official meeting, of which minutes will be kept.
4. During the consultations as referred to in 3., above, it shall not be decided to discuss certain topics during the meeting subject to the condition that this will not be recorded in the minutes. If such condition is stipulated the chairman of the meeting shall refuse to proceed to discuss the topic in question.
5. Each meeting of a body, committee, working group or other form of cooperation during which market-related topics are discussed, shall be attended by at least one staff member of the association. This staff member will monitor topics that are sensitive from a competition law point of view. If there are doubts about such sensitivities, the topic shall not be discussed until the advice of an expert in the field of competition law is obtained, and this advice is to the effect that the topic may be discussed without any objection, or until the limits to be observed during the discussion are clear.

### A PROHIBITED TOPICS

The following topics are prohibited and out of bounds during meetings of bodies, committees, working groups or other forms of cooperation within EIA, particularly as far as information on these topics is exchanged between companies which might be considered as competitors:

- Sale prices, rates, (intended) price adjustments, recommended prices, discounts, mark-ups and other price-related topics concerning products or services of member companies;
- Division/sharing of the market, e.g. by allocating a specific geographical area, specific customers or specific groups of customers to specific members;
- Restriction of production or sales;
- Pre-consultations with respect to responses to invitations to tender of potential clients;
- Charging on offer costs of competitors in one's own offer;
- Exchanging market information by the individual members, i.e. information about production, turnover, sales, investments, divestments, R&D expenses and other information, as far as this is related to specific (categories of) products or services, that may be regarded as commercially sensitive information;
- Publishing of the average price or of the price bandwidth within the sector;
- Exclusivity for specific members to represent producers and importers;
- Boycotting specific suppliers or customers;
- Any other topic that could lead to coordination of market behaviour restricting competition;
- Pre-consultations between competitors when responding to invitations to tender (in tender procedures with both public and private purchasers);
- Agreeing that all competitors add a surcharge to their bid (which would then be used for "compensating" the bidding costs of those companies that would not win the tender).

### B TOPICS THAT MIGHT PRESENT A PROBLEM

The following topics might, under certain circumstances, present a problem from a competition law point of view, but especially in a highly concentrated, oligopolistic market (i.e. a market with only few players). This means that these topics shall at all times only be discussed within the context of EIA in proper consultation with an expert in the field of competition law:

- General terms and conditions of sale and delivery. If these pertain to sensitive competitive parameters (e.g. prices, rates, manner of indexation, on-charging specific costs) or if the use of the conditions is mandatory, the competition authorities may object;
- Restrictions on participating in trade fairs. As a general rule, each company should be free to participate in any trade fair; it likes and companies should not be asked to boycott any trade fair. Restrictions to this freedom to participate are only allowed under specific conditions. Collective bargaining by the members of EIA to obtain a better price or other conditions from the trade fair organisation does not constitute a problem under competition law;
- Schemes for recognition/membership criteria. For as long as recognition or membership of EIA does not play a decisive part for the potential customer when choosing a product or service, there are no objections to this from a competition law point of view. As soon as the customer does find this important, however, these schemes must satisfy specific criteria;
- The secretariat of EIA is allowed, in principle, to collect commercial information about individual companies and to make this information available to the members in an aggregated manner. It must in any event be absolutely guaranteed that no information on individual companies can be deduced from this aggregate information. In some countries the national competition authorities will only allow such statistics systems; if the collected information can be qualified as sufficiently historical, e.g. (depending on the circumstances) presenting data of at least one year before, and/or if the information is made publicly available.

### C TOPICS THAT DO NOT PRESENT A PROBLEM

The following topics constitute the core business of most of EIA's activities and discussions and consultations on these topics do normally not present any problem under competition law, provided that the topics mentioned under A. are not touched upon:

- General cyclical economic data and business climate, as long as discussions on these topics do not relate to any individual company's behaviour. These discussions focus on the macro level and do not affect any company's behaviour in the market;
- Lobbying activities relating to general interests in the sector and concentrating on legislation and other public issues which may affect the sector;
- Labour law and social issues. These issues are considered to be irrelevant under competition law;
- Legal issues. These issues are by definition of a general nature, as these will affect any company's business to the same extent;
- Standardisation issues, if (i) the standard-setting procedure is transparent and open for participation by any interested party, (ii) there is no obligation to comply with the standard, (iii) access to the standard is provided on fair, reasonable and non-discriminatory terms, and (iv) any discussions within the standard-setting procedure are restricted to technical aspects. Standardisation is aimed at compatibility of products and at technical progress; this will normally be to the benefit of the end user;
- Safety and health issues. EIA has an interest in enhancing safety and health with respect to the use of the sector's products;
- Environmental issues. EIA has an interest in enhancing protection of the environment with respect to the use of the sector's products.

# Agenda

## 1. Opening of the meeting

- call to order, competition law
- verification of quorum
- adoption of minutes of previous General Assembly meeting (10 November 2020)
- adoption of agenda

## 2. Financial matters

- approval of EIA financial results 2020 (vote)

## 3. Closure of the meeting

# EIA Financial results 2020

		Finals 2017	2018 Finals	2019 Finals	2020 Budget	2020 Results	Comments
<b>Income</b>							
	Membership fees	41.800,00 €	48.025,00 €	34.500,00 €	52.700,00 €	43.517,50 €	Not all 2020 membership fees have been paid
	Sponsorship	- €	- €		- €	- €	
	Revenue Proficiency Test				3.000,00 €	- €	
	Revenue EIA Irrigation Days	- €	- €		4.700,00 €	- €	
	Interest	- €					
	Other	- €	- €	- €	- €	40,00 €	
<b>Total Revenue</b>		<b>€ 41.800</b>	<b>€ 48.025</b>	<b>€ 34.500</b>	<b>€ 60.400</b>	<b>€ 43.557,50</b>	
<b>Expenses</b>							
Logistics	<b>Total</b>	<b>€ 7.422</b>	<b>€ 10.071</b>	<b>€ 4.409</b>	<b>€ 17.180</b>	<b>€ 80,40</b>	
	Trade shows/ ND Meetings logistics		€ 0	€ 0	€ 0	0,00	
	Irrigation Forum		€ 6.062	€ 0	€ 4.700	0,00	
	Proficiency Test			€ 0	€ 3.000	0,00	
	EIA Irrigation Days or other event		€ 0	€ 0	€ 4.500	0,00	
	EIA General Assembly	€ 4.920	€ 0	€ 1.615	€ 0	0,00	
	EIA Board Meeting	€ 0	€ 2.004	€ 797	€ 750	0,00	
	Bank Charges	€ 87	€ 75	€ 67	€ 100	80,40	
	Travel and Expenses Secretariat	€ 125	€ 0	€ 0	€ 1.700	0,00	
	Travel expenses Board and Presidency	€ 360	€ 0	€ 0	€ 500	0,00	
	OECD	€ 1.930	€ 1.930	€ 1.930	€ 1.930	0,00	
Promotion	<b>Total</b>	<b>€ 0</b>	<b>€ 610</b>	<b>€ 3.796</b>	<b>€ 2.784</b>	<b>€ 2.783,54</b>	
	Communication Tools			€ 421	€ 421	421,08	GoToMeetings
	Website, e-mail	€ 0	€ 610	€ 3.125	€ 2.363	2.362,46	Depreciation of new website & emails
	Marketing (brochures, promotion)	€ 0	€ 0	€ 250	€ 250	0,00	
Secretariat	<b>Total</b>	<b>€ 15.585</b>	<b>€ 19.529</b>	<b>€ 20.183</b>	<b>€ 20.705</b>	<b>€ 20.970,12</b>	
	Secretariat Support	€ 15.585	€ 19.529	€ 20.183	€ 20.705	20.703,12	
	Operating cost Secretariat		€ 0		€ 0	267,16	publication in Moniteur Belge
	Membership follow-up		€ 0		€ 0	0,00	
	Marketing support		€ 0		€ 0	0,00	
Accountant	<b>Total Accounting Costs</b>	<b>€ 1.635</b>	<b>€ 1.710</b>	<b>€ 2.066</b>	<b>€ 1.700</b>	<b>€ 1.666,36</b>	
Optional	<b>Total</b>	<b>€ 10.953</b>	<b>€ 17.962</b>	<b>€ 15.545</b>	<b>€ 17.270</b>	<b>€ 15.887,33</b>	
	EIA Irrigation Days or other event support						
	National Delegate Support						
	Lobbying and Monitoring, including CEN			€ 545	€ 1.270	€ 887,33	CEN TC 144/334
	EIA General Assembly						
	EIA Board Meeting						
	EIA Technical Director (as of Q4 2021)						
	Communication advisor (as of June 2017)	€ 10.953	€ 17.962	€ 15.500	€ 16.000	€ 15.000,00	
<b>Total expenses (fixed and variable)</b>		<b>€ 35.595</b>	<b>€ 49.882</b>	<b>€ 45.998</b>	<b>€ 59.639</b>	<b>€ 41.387,91</b>	
<b>Expected balance</b>		<b>€ 6.205</b>	<b>-€ 1.857</b>	<b>-€ 11.498</b>	<b>€ 761</b>	<b>€ 2.169,59</b>	

# Financial results 2020 – voting process

## EIA Statutes

According articles 7.2 and 12.3, each question presented to the General Assembly shall be determined in accordance with a majority vote of those present or represented (weighted according to the members category).

## Voting process

- EIA Secretariat has created the questions to **vote online using *Poll Everywhere***
- The question to vote for will be first activated by the EIA Secretariat and then participants will be informed that the voting session is open (only one vote per company/member is accepted)
- Voters will respond by **clicking the link received in the chat**
- When logging in the tool, **voters need to identify:**
  - introduce Company name & your name
  - if you hold a Proxy please add the name of the company you are representing too)
- **Express your vote**
- After all participants have voted, **EIA Secretariat will lock the question** so no one will be able to change his/her vote
- EIA Secretariat will count the votes based on the weight of each company (1, 2, 3, 4, 5 or 6 points) and inform the GA what is the final resolution

# Financial results 2020 – voting process

## Question:

**Do you approve the EIA accounts 2019 and therefore discharge the Board from its execution?**

Thank you!



*EIA value is the mix between our vast experience, active participation and excellent cooperation*