

UK HYROGEN ASSOCATION ASSOCIATION COMPETITION LAW COMPLIANCE PROGRAMME

Mission of the UKHA

The UK Hydrogen Association ("UKHA") mission is to act on behalf of the interests of the UK hydrogen energy stakeholders for a positive social, political and economic environment for the development of hydrogen energy in the UK. The UKHA shall exist to provide value to its members by:

1. Advocating strongly for a positive social, political and economic environment for the development of hydrogen energy in the UK
2. Representing the shared interests of its members, using a collective approach to maximise impact and effectiveness
3. Providing a voice to answer concerns and issues about hydrogen energy
4. Giving guidance on research and deployment priorities
5. Subject to this Competition Law Compliance Programme, sharing non commercially sensitive information and facilitating knowledge transfer
6. Promoting the development of best practise and its adoption
7. Influencing government and company policies in the UK to support hydrogen energy research and development
8. Influencing the policies of public and private sector organisations to support hydrogen energy deployment in the UK
9. Representing members' interests with European and International organisations and initiatives.

Scope of the Competition Compliance Programme

Both UKHA's Competition Compliance Programme and the Meeting Rules apply to all activities under the guidance of UKHA, including, but not limited to, meetings of:

- the Ordinary Meeting and the Annual General Meeting;
- the Board of Directors;
- Executive Committee
- Other Committees

Competition Law Policy

UKHA is a UK based non-profit association whose members may include competitors. Meetings of competitors under the guidance of such an association are not objectionable as such.

However, UKHA members are not allowed to use the forum provided by UKHA in order to coordinate their commercial activities. Each UKHA member must exercise its independent business judgment in pricing its products and service, dealing with its customers and suppliers, and choosing the markets in which it will compete. Any activity that could create even the appearance of a restriction or distortion of competition must be strictly avoided.

It is UKHA's undeviating policy to comply strictly with the letter and spirit of UK competition law and similar laws in the EU Member States and other countries.

Chapter 1 of the Competition Act 1998 expressly prohibits:

- “(1) agreements between undertakings, decisions by associations of undertakings or concerted practices which:
- (a) may affect trade within the United Kingdom, and

- (b) have as their object or effect the prevention, restriction or distortion of competition within the United Kingdom...
- (2) Subsection (1) applies, in particular, to agreements, decisions or practices which:
 - (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
 - (b) limit or control production, markets, technical development or investment;
 - (c) share markets or sources of supply;
 - (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
 - (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts."

Any activities of UKHA Members or UKHA's Staff, which violate these and other applicable competition laws, are detrimental to the interests of the UKHA and its Members, and are unequivocally contrary to UKHA's policy.

Discussion Topics

UK competition law, in principle, prohibits the exchange of commercially sensitive and current market information which competitors normally keep secret. It is impossible to provide an exhaustive list of objectionable discussion topics, as the competitive significance of many issues is dependent upon the context in which they are raised.

However, it is UKHA's strict policy to follow a prudent rule in relation to competition law issues. Therefore, no commercial topics outside the scope of UKHA's mission should ever be acted upon, or even considered, at UKHA meetings and gatherings. In particular, UKHA's antitrust policy prohibits any discussions or exchange of information between its Members that might constitute or imply an agreement or concerted practice concerning:

- (1) prices or price factors, including discounts, rebates, and reductions;
- (2) costs and demand structure;
- (3) profits and profit margins;
- (4) output and sales,
- (5) market shares and sales territories;
- (6) investments and marketing plans;
- (7) bidding or refraining from bidding;
- (8) credit conditions or any other terms or conditions of sale;
- (9) selection, rejection, or termination of customers or suppliers.

Minutes

Official minutes are produced for each meeting under the guidance of UKHA's Staff. They are the official record of the UKHA.

Individual Responsibility

It is the responsibility of each UKHA Member and UKHA's Staff to take individual accountability for compliance with UK competition law and avoid discussions in any matters outside the scope of UKHA's mission.

[Adopted by the UKHA Board of Directors on 16 May 2006]