

Code of Conduct on Antitrust Law

IDZ | International Design Center Berlin

1. Preliminary Remarks on Antitrust Law

Antitrust law protects free competition between companies and generally prohibits conduct that restricts it. This Code of Conduct is based on the fundamental principles of German and EU antitrust law.

In Germany, the prohibition on cartels is set out in Section 1 of the Act Against Restraints of Competition (GWB). According to this, all agreements between companies, decisions by associations of companies, and concerted practices aimed at or resulting in the prevention, restriction, or distortion of competition are prohibited. In addition, the EU antitrust prohibition applies when such conduct is likely to affect trade between EU member states. At its core, the prohibition bans all forms of anti-competitive agreements. This includes agreements on prices, price changes, surcharges, discounts, or business terms, as well as the division of markets, for instance by region, product, or customer allocation.

An agreement can also be established through implied conduct. In addition to formal agreements, antitrust law also prohibits coordinated behavior between companies that leads to a similar result. Even the mere exchange or unilateral disclosure of competitively sensitive information is forbidden.

Therefore, competitors must not disclose competitively relevant information to one another. Likewise, an association must not influence its members' market behavior through recommendations.

2. Antitrust Law and IDZ

IDZ is committed to lawful conduct and aligns its activities with compliance under German and EU antitrust law. To this end, IDZ provides this Code of Conduct as guidance for its bodies and members, helping to proactively avoid behavior that may raise antitrust concerns in all activities. This Code is intended to offer orientation and includes rules regarding permissible and impermissible topics within IDZ's operations.

3. Topics and Organization of IDZ's Activity Formats

IDZ provides its members with a forum for the exchange of knowledge and experience, within the limits permitted by antitrust law.

IDZ engages in a range of activity formats, including board meetings, general assemblies, training sessions, events, and Member Circles.

Antitrust law applies fully to all these activity formats.

a) Permissible Topics within IDZ Activities

In principle, all topics and information exchanges are permitted as long as they have no significant relevance to competition. Information may also be shared if it is already publicly available. Examples of permissible topics include:

- Topics that serve the association's purpose, as long as they do not reveal a company's market position in specific product areas or its current or future market conduct.
- Purely design-specific, technical, or scientific subjects.
- Abstract discussions about general design trends without disclosure or coordination of individual plans.
- Current legislative initiatives/legal topics.

b) Impermissible Topics within IDZ Activities

Within IDZ's activity formats, there must be no exchange of information or agreements about company-specific, competitively sensitive, non-public data. In particular, the following topics are impermissible:

- Forecasts regarding the future business development of individual companies.
- Prices in any form.
- Current and future orders.
- Sales policy or sales strategies.
- Purchasing terms, delivery and payment conditions in contracts with third parties.
- Non-public information on profits, profit margins, market shares, and planned investments.
- Internal design, research, and development projects.

c) IDZ's Response to Careless or Impermissible Statements

In the event of spontaneous statements containing potentially antitrust-relevant content, IDZ will respond immediately and actively distance itself from potentially unlawful behavior, specifically as follows:

- IDZ will point out to the participant that the statement must not be discussed and may raise antitrust concerns.
- If necessary, the discussion on the matter will be postponed.
- If discussion of the critical topic continues or further antitrust-relevant remarks are made, the activity format should be interrupted.
- During board meetings and general assemblies, such incidents must be documented. In all other activity formats, they must be reported immediately to the IDZ board.

d) Association Communication and Recommendations

IDZ may inform members about objectively verifiable market facts, compile such information, and share it. However, the association must not influence members' market behavior. IDZ does not issue recommendations concerning the market behavior of its members.

4. Admission and Rejection of New Members

The requirements for membership are regulated in the IDZ's statutes. Individuals who meet the statutory criteria will be admitted as members. Any exceptions to these statutory provisions are handled by IDZ in a non-discriminatory manner.

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