

Fair Competition: Code of Conduct on Antitrust-Related Issues

The services provided by Industrielle Biotechnologie Bayern Netzwerk GmbH (IBB Netzwerk GmbH) and the acceptance of services by market participants basically concern pre-competitive actions. Therefore, these services can be publicly funded.

If no pre-competitive actions are to be carried out, the following provisions shall apply. These provisions regulate antitrust-related issues, if members or potential members, who are market competitors, intend to exchange ideas or even work together within the cluster Industrial Biotechnology, the sub-networks, and the operative consortia of IBB Netzwerk GmbH as well as its association Industrielle Biotechnologie Bayern e.V.

- 1) In principle, if a competitor is already involved in R&D projects (or other projects), companies shall only participate insofar as it is permissible under antitrust law.
- 2) If the initiative for an R&D project (or any other project) originates from one of the competing companies, other competitors will not be considered as additional cooperation partners to avoid an exchange of information violating antitrust law, unless this would be permissible under antitrust law and expressly desired by the first company. In the latter case, the future partners commit themselves to a formal, antitrust review of the joint participation in the project already in advance.
- 3) If two or more competitors simultaneously inquire to participate in an R&D project (or any other project), it is subject to IBB Netzwerk GmbH to find an appropriate solution, by considering legal requirements and limits. Provided that a joint project participation is established, the project participants shall agree on clear, contractual regulations in writing, meeting antitrust requirements.
- 4) During cluster or sub-network meetings or any other kind of meetings, operational internal affairs, especially such of antitrust relevance, shall not be exchanged.
- 5) The participants' agreement to the Code of Conduct will be obtained prior to the meeting and prior to the entry of the meeting location, at meetings where either the possibility of an antitrust violation may exist, or where a participant expressly desires to do so.