

Complying with the Competition Ordinance

Guide to Information Exchange in Trade Association Meetings

Trade associations enable interactions among members who may be competitors. It is incumbent upon both the trade association and its members to ensure that commercially sensitive information is not shared or discussed at trade association meetings. The exchange of such information can harm competition and risks contravening the Competition Ordinance, resulting in severe penalties for your company, the association, and you as an individual.

Members must not exchange commercially sensitive information

Unlikely to be commercially sensitive	Likely to be commercially sensitive
Information on best practices, e.g. safety, emission standards	Future pricing intentions and price elements e.g. discounts, commission rates, rebates
Information related to sustainability credentials	Commercial strategies, including information related to tenders or bidding intentions
Information to help predict demand and avoid shortages	Information related to costs e.g. employee salaries, production cost
Public policy or regulatory matters	Information related to quantities e.g. sales volumes

In general, exchanging **historical, aggregated, and anonymised** information is less likely to be problematic.

To ensure that commercially sensitive information is not shared in meetings, trade associations should:

- **Remind members not to share / discuss sensitive information:** Announcement to this effect should be made before and throughout the meeting as relevant.
- **Avoid sensitive topics in the agenda:** Agenda items should never invite or encourage the exchange of commercially sensitive information.
- **Control the discussion:** Discussion of any item, on or off the agenda, must not lead to the exchange of commercially sensitive information.
- **Keep a record:** Take minutes and note any deviation from the agenda. Record the meeting attendance, including early departure of members.

As a member, what should you do if exchanges of commercially sensitive information arise during trade association meetings?

You must publicly distance yourself from the exchanges by clearly objecting to the discussion and leaving the meeting immediately. You should also report it to the Competition Commission.

More information is available

- [Brochure on Information Exchange](#),
- For SMEs see sme.compcomm.hk