‹AutomationML/›

The Glue for Seamless Automation Engineering

Code of conduct regarding antitrust law
AutomationML e.V.
Version from April 8th, 2013

Code of conduct of the association AutomationML e.V.

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§ 1 Purpose of the organization and scope of this code of conduct; General rules of conduct

(1) The objective of the industry association AutomationML e.V. is the promotion of the development and distribution of the standardized data exchange in the engineering process of industrial automation systems in particular through the specification of generally compatible data interfaces. Thereby, the objective of the association activity is the realization of significant efficiency gains and error reductions, thus, time and cost savings due to the possibility of a standardized data exchange. This shall be realized by an unproblematic and lossless data transfer from different disciplines of the engineering process between different engineering systems by defined interfaces.

This overall objective will be pursued by the AutomationML e.V. on different action levels. Within the scope of the work, specifications are created for a data exchange format and its usage that is developed step by step to IEC standards based on whitepapers. It is the exclusive objective of AutomationML e.V. to develop these specifications, to discuss with different potential users in terms of their technical characteristics, to make it open, not discriminatively, and (if possible) accessible free of charge to anyone interested and to support their use through knowledge transfers and marketing.

In doing so, the AutomationML e.V. pays attention to the general framework according to the antitrust law.

(2) The AutomationML is based on the cooperation of its members. For the purpose of association related work they delegate specialists who work on the objectives stated in par. 1. In addition, persons dispatched by the members are working in the bodies of the Association (general assembly, board, working groups).

As part of these activities, all individual persons are obliged to represent the interests of the association and not the interests of their (any other) employer.

(3) On April 8th, 2013 this code of conduct was adopted by the AutomationML board and published in the general meeting on April 23rd, 2013. It holds for the work in the bodies of the association. The board has to ensure that all bodies (general assembly, board, working groups) as well as the members of the association are familiarized with this code of conduct.

§ 2 Conduct at meetings

(1) Meetings require a punctual invitation stating the agenda. The agenda must be descriptive enough that individual member resp. its delegates can assess exactly

what the subject of the meeting will be. In particular, the agenda have to be drafted in a way so that an assessment of any antitrust problem areas is ensured.

(2) At the beginning of each session - whether general meeting, board meetings, working group meetings or other session - the participants are informed by the chairman of the meeting about the need for compliance with antitrust law (in particular the Code of Conduct). To a special degree it is the chairperson's responsibility to ensure by the conduct of the meetings, that the provisions of this code of conduct and the antitrust law are respected. The responsibility of the individual participant of the meeting remains unaffected.

(3) At meetings of the board of the association a member of the office, the chairman of the board or one of his representatives shall be present to lead the meeting.

At meetings of the working groups of the association a member of the office, the chairman of the board or one of his representatives shall be present to lead the meeting.

(4) Meeting minutes shall be kept of the meetings. The corresponding leader of the meeting has to ensure this. Shortly after the meeting, the minutes have to be sent to all delegates and, in addition, to all members if these are not only the minutes of a sub-working group.

§ 3 Rules of conduct with respect to antitrust guidelines

(1) Members of the association can act as competitors in different sectors. Infringements against the antitrust law could have serious consequences for all involved parties and theirs company or organizations.

Hence, the following rules have to be respected by the members and their delegates while working in the association, at the general assembly, the board, the working groups, and other meetings but also while representing the association externally.

(2) The members and theirs delegates shall not in any way make competition-relevant information available to other members and their delegates, exchange information about this, and either collect or gather information for this purpose, unless the information is accessible from public sources. This includes especially information about prices/price components, margins, intended price increases, customers, sales areas, distribution channels and strategies, market shares, sales, sales expectations, development projects, and new projects. This does not affect the possibility to make internal competition-relevant information (with imposition of a confidentiality agreement) accessible to another member outside work in the association that is not a competitor.

(3) Regardless of whether such information is known to the public or not, no agreements, in whatever form, about the subjects named in § 3 par. 2 shall be made by the members or their delegates.

(4) If a member or its delegates exceptionally considers the information exchange or an agreement to one of the subjects named in § 3 par. 2 resp. par. 3 within the scope of the collaboration in the association as necessary, at first, he/she has to

clarify the antitrust legitimacy with its own legal department. Only with their written confirmation that the intended behaviour is inoffensive with respect to the antitrust law he/she can submit his/her request (with reference to the antitrust examination) to the board of the association.

(5) To concretize the obligations named in § 3 par. 2 no information will be made available by the employees of the office and – where available – the CEO or the members of the bodies of the association to members about other members resp. their delegates or gather such information unless the information is accessible from public sources.

(6) In line with § 1 par. 1 the objective of the association is the development of standards. Thereby, the association strives to create and standardize a data exchange format and its utilization approach that is applicable for the creation of compatibility and interoperability for any software tools that can be used in the engineering of production systems. Thereby, the development and standardizing process shall occur in accordance with the rules of DKE and IEC and, thus, implement an open, transparent, and non-discriminatory behaviour. The results of the work have to be made available under appropriate and non-discriminatory conditions for all interested parties.

§ 4 Infringements against the code of conduct

(1) If a member or its delegates violate the code of conduct, the board of the AutomationML e.V. in accordance to § 5 par. 1 of the Association Statutes is entitled to apply the exclusion of this member due to an important reason on the general assembly.