

HPA UK's Competition Law Policy

Date: August 2023

HPA UK provides members the lawful opportunity to meet to transact association business and to further their legitimate goals. Such lawful activities include: the development of standards that provide a benefit to the public; the petitioning of UK government departments on issues that have an impact on members as a whole; the promotion of the industry; the conducting of educational seminars; the provision of statistical reporting, and other activities consistent with the role of a trade association in the UK. Because participants in meetings are companies with competing, and sometimes opposing, economic interests, HPA UK's actions are subject to anti-competitive scrutiny.

HPA UK takes all reasonable steps to comply with competition law. Attendees at all virtual and physical meetings are reminded of their need to do so as well.

The following statement is presented at the start of all HPA UK meetings:

HPA UK's policy is to take all reasonable steps to comply with competition law and to remind meeting participants of their need to do so also. Meeting participants are reminded that they may not discuss or exchange commercially sensitive or future market information. All HPA UK meetings have minutes taken and circulated.

Remaining in attendance at this meeting and having your name appear as an attendee within the meetings minutes confirms both your understanding of the Competition Law Policy and your agreement to abide by it.

HPA UK and its members adhere to the following guidelines.

Notice and Records

- Each meeting shall be preceded by notice of the date and time of the meeting along with a copy of the agenda for the meeting.
- All agendas (and minutes) shall refer to HPA UK Competition Law Policy, and confirm the above statement is read out at the start of every meeting. For attendees who remain part of the meeting following this announcement, it will be taken as acknowledgement of the policy's existence and their agreement to abide by it.
- Minutes or summary notes are required of every meeting. The minutes shall be clear, and accurate regarding the discussion that occurred, the actions taken, and the basis for the action.
- A member of HPA UK secretariat shall attend all meetings and act as the secretary.
- HPA UK does not support the holding of any unofficial meeting by its members under the auspices of HPA UK.

Appropriate and Inappropriate Discussions

It is not possible to identify in this policy every possible topic that might raise serious anti-competition questions if discussed at an association meeting. The legality of communications among competitors often turns on the particular purpose and context of the communication. All communications and discussions that could directly influence the decisions of individual HPA UK members regarding production levels, product pricing, profit margins, projected sales volumes for any individual or identifiable participant, marketing strategies, investment plans, trading terms, or selection of customers of suppliers are prohibited.

The UK Competition and Markets Authority has issued guidance on these matters.

General guidance [here](#)

Some examples of anti-competitive behaviour [here](#)

The following topics shall not be discussed at HPA UK meetings:

- Price or any elements of price or pricing policies, including costs, discounts, rebates, profit margins, price differentials or surcharges.
- Terms or conditions of sale, including warranties, credit allowances, and shipping arrangements.
- Individual company costs, including cost components or accounting formulas.
- Sales or production quotas or limits, allocation of customers or sales territories or refusal to sell to certain customers or to buy from certain suppliers.
- Company confidential plans, including technology, production, or marketing.
- The market share or sales territory of any competitor.
- The operating statistics, inventories, sales, marketing methods, or strategies of any competitor.
- Controlling competition or excluding any competitor from any market.

What to do if you believe a breach of anti-competition law takes place in a meeting

- This can be raised immediately with the Chair of the meeting, who will stop the meeting and address the issue. All details will be recorded in the meeting minutes.
- Alternatively, and for reasons of confidentiality, the matter can be raised with HPA UK Secretariat after the meeting using the following contact details:
 - info@heatpumps.org.uk (subject: FAO HPA Secretariat)
 - 0118 940 3416
- HPA will investigate the breach, ensure it is dealt with, and will record details as appropriate.

Guidelines when Discussing Standards and Certification

- Confine discussions of product standards or certification of compliance with standards to technical, scientific, engineering, and safety considerations. Commercial considerations are not proper factors for discussion, unless the proposal will disadvantage a particular company or group of companies.
- Provide truthful representations with respect to testing procedures and performance rating standards.
- Prevent discussions on prices, production, or competitors.
- Develop performance standards not construction or specification standards except in exceptional circumstances.
- Ensure that standards reflect existing technology.
- Ensure that standards are kept current and adequately updated to allow for technological innovation.

Guidelines for Statistics Programmes

HPA UK sales data statistics report is managed by Gemserv on behalf of HPA and conforms with the following guidelines.

Statistical programmes are lawful if they are not part of a scheme to fix prices, allocate production, or otherwise restrain trade.

They must:

- Maintain strict confidentiality of all individual company data with data reported only in composite form.
- Prevent disclosure or discussion of individual company statistics, sales, or production plans outside of confidential disclosure to the agreed co-ordinator.