



Competition law

NOPS Policy

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PURPOSE AND SCOPE

1. Smart Awards Ltd is subject to both UK and EU competition law. It is the general policy of Smart Awards to comply with all laws applicable to its activities. This general policy includes strict compliance with UK and EU Competition Law.

RESPONSIBILITIES

2. This policy is for use of the Network Operative Passport System (NOPS). This policy is for individuals and organisations recording and accessing individual information stored on NOPS. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.
3. All individuals and organisations and any third parties are required to act in such a way as to avoid any breach of competition law and has a duty to act in a manner which is compliant with competition law in all dealings relating to the Network Operative Passport System (NOPS).

POLICY

4. This Policy provides a way to offer practical advice on certain common situations which may give rise to problems under competition law. The list is not exhaustive and there will always be other situations which could give rise to competition law compliance risks, so in your dealings with competitors and individuals and organisations, you should always be alert to potentially anticompetitive discussions / email exchanges, business proposals, or clauses in agreements.
5. You must conduct NOPS business dealings and activities by:
 - Complying with competition law at all times
 - Reporting any activity, transaction or dealings which you suspect may infringe competition law to Smart Awards MD

DISCUSSION WITH COMPETITORS

6. DO seek advice about accepting social invitations from competitors
7. DO remember that all arrangements, including informal understandings and "gentlemen's agreements," will be illegal if they infringe competition law
8. DO avoid all discussion of competition or competitive subjects with individuals or organisations from a competitor and make it an obvious point to break off such discussion should they arise.
9. DON'T discuss, recommend or agree with competitors on the following matters: costs; prices, as well as trends, proposed changes in, and the methods of calculation of, such prices; discounts or rebates off prices, and inclusion/removal of surcharges; margins and profitability; any other terms and conditions of sale of products; marketing plans; division or allocation of territories or customers; any plan to refuse to deal with specific individuals or organisations; any plans to exclude competitors from the sector.

10. DON'T remain at meetings with competitors at which competitive conditions are discussed or where you believe the discussions or actions are risky in competition law terms. Leave the meeting as soon as possible and make sure that this is noted, or a minute taken of your actions. Inform your management as to what has happened as soon as possible.

DISCUSSION WITH OTHER ORGANISATIONS

11. You may accept information volunteered by organisations as to what competitors are doing, including prices and the terms of any special promotions being offered by competitors.

- DON'T ask other organisations to provide such information about your competitors on a regular basis.
- DON'T oblige other organisations to tell you if lower prices have been quoted by competitors so that your business can match them; or an organisation is attempting to gain a competitive edge through ethical and legally recognisable means.
- DON'T discuss with one organisation Smart Awards dealings with other organisations or make any commitments to one organisation as to Smart Awards treatment of other organisations
- DON'T discuss details of business terms with any organisation in the presence of other organisations or competitors.
- DON'T try to control the territories in which other organisations can fairly and legally operate.

REPORTING

12. Anyone who becomes aware of any existing or potential breach of this policy is required to notify the MD of Smart Awards. If preferred, concerns about any existing or potential breaches may be reported in accordance with Smart Awards whistle-blowing policy.

REVIEW OF THIS POLICY

13. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance and from other appropriate organisations.