

Competition Compliance Policy

The APCC firmly supports competitive business conduct in telecommunications markets.

This Competition Compliance Policy reflects the commitment of the APCC and each of its members to compliance with the letter and spirit of competition laws and competition rules under telecommunications industry regulation.

Objectives of Policy

This Policy provides guidance on general principles of competitive conduct, with the aim of assisting the APCC and its members to avoid either infringing competition laws or the appearance of infringing them.

This Policy is not a substitute for legal advice. Members should familiarise themselves with applicable laws wherever they do business and seek guidance from their company's legal advisors if they have any doubt regarding this Policy or the propriety of any conduct.

The APCC may provide additional guidance to members, if and when novel circumstances or issues arise.

Operations of the APCC

The objectives of the APCC include providing a forum for telecommunications carriers, operators and service providers to identify, examine and discuss matters of common interest affecting the communications industry in the Asia Pacific region. The APCC is vigilant to ensure that it does not in any way facilitate or condone collusion or any other anti-competitive practice by any of its members.

Meetings of the APCC will be conducted in accordance with a detailed agenda circulated in advance of the meeting. The business of the meeting will be recorded in accurate and objective minutes. Members will not break away from any APCC meeting to hold "informal" or "off-line" discussions on industry issues.

The APCC will not:

- Restrict members from dealing with non-members
- Pressure any member to adopt or refrain from a particular course of action
- Unreasonably exclude an eligible operator from membership
- Prevent non-members from obtaining access to APCC information where doing so is likely to limit competition

The objectives of the APCC include "to collate, publish and/or distribute information, statistics and other data and materials regarding the telecommunications industry and/or regulation of the telecommunications industry to Members and other interested parties". In order to do so in a pro-competitive manner, the APCC may from time to time determine procedures for conducting surveys, which members must follow when submitting information. (Such survey procedures may include, for example, collection of historic data only; collation of the data by a third party; publication of aggregated data only.)

Conduct of Members

As a general rule, members must not disclose or exchange information that either:

- relates to the future competitive behaviour of a company; or
- is likely to affect any company's independent business decision making.

The following topics may be discussed:

- Technological advances or problems
- The public image of the industry and its improvement
- General economic and regulatory trends in the industry
- General customer welfare and service improvements
- Environmental issues and responses
- The meaning and effect of new or proposed regulation (subject to the limitations below)
- Responses to proposals or questions on regulatory matters that have been raised by the regulator publicly or in consultation with the industry generally (subject to the limitations below)

The following topics must not be discussed:

- Current or future prices, pricing methods, discounts or credit terms
- Current or future costs of particular services or operators
- Current or future sales
- Past prices, costs or sales (except in conformity with APCC-approved procedures for a survey)
- Possible price increases or decreases
- Standardization or stabilization of prices or costs
- What a 'fair' profit or margin would be
- Whether the prices or terms of any industry participant are 'unfair' or 'unethical'
- Tenders, tender bidding or refraining from bidding
- Investments or marketing plans

- Controlling or limiting sales
- Market shares or sales territories
- Allocating markets or customers
- Selection, rejection or termination of any supplier, reseller or customer

A member should immediately express any concern she or he may have that any conduct, disclosure or proposal may contravene this Policy or any competition law.

Further information

This Policy will be regularly reviewed and brought to members' attention.

Members are encouraged to seek further information and guidance from their own legal advisors.

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