

Antitrust Policy



1.	Antitrust statement	1
2.	Scope	1
3.	Principles	1
3.1	Cooperation vs. Competition	1
3.2	Inclusiveness	2
3.3	Anti-competitive decisions	2
3.4	Information Exchange	2
3.5	Document Review	3
4.	GSMA Services	4
5.	Training	4
6.	Your obligations	4

1. Antitrust statement

The GSMA's policy is that all of its activities and interactions with Members and other industry participants are carried out in full compliance with applicable antitrust legislation. The GSMA is fully committed to ensuring that the antitrust compliance rules set forth through this policy are adhered to and to implementing procedures to educate and monitor compliance with it.

The GSMA Legal Team advises the GSMA on a wide range of competition and antitrust issues related to GSMA activities and services, including market intelligence, industry policy, programme governance, project scoping and interface with competition authorities. If you are in any doubt about compliance with antitrust law, you must seek advice from the GSMA Legal Team.

2. Scope

Anyone working on behalf of the GSMA - including all employees, contractors, consultants and elected representatives/officials of the GSMA - is under an obligation to conduct all business activities in accordance with any applicable antitrust legislation and is bound by this Antitrust Policy.

The same obligation applies to all GSMA Members, activity contributors and third parties when participating in GSMA meetings, working group activities, events, etc.

3. Principles

Due to the nature of its activities, the GSMA brings together companies in the mobile ecosystem (some of which might be competitors) and there is an ever-present risk that it may – if compliance protocols are not followed - be found to facilitate restrictive agreements between its members. Therefore, it is important that the below principles are adhered to, to avoid any infringement of antitrust laws.

3.1 Cooperation vs. Competition

GSMA Members are only permitted to cooperate:

- on projects that set out a clear pro-competitive objective and are for consumer benefit (e.g., technology innovation, environmental, social or development goals);
- when this objective can only be achieved if companies join forces (e.g., because of interconnection / interoperability requirements); AND the action is not aimed at, nor will it result in, the elimination of competition or competitors (e.g., a "joint boycott" or an action targeted at harming a specific company, or a specific group of companies, or a project which limits competition beyond what is needed to achieve the specific pro-competitive objective).

3.2 Inclusiveness

The GSMA has an open and transparent approach to membership and participation in working groups, committees and other member groups¹. Where the GSMA is involved in industry specification activities:

- participation is open to all interested parties, including, where appropriate, both Industry Members and non-Members;
- non-Members are granted the opportunity to participate meaningfully in developing Industry Specifications;
- GSMA process to define and adopt industry specifications includes due safeguards that avoid any restriction of competition on the merits in the selection of the relevant technologies and technical features²;
- active participation may only be restricted where strictly necessary, based on objective criteria and any such restriction must be approved by the GSMA Legal Team;
- the announcement, progress and output of all such activities is communicated to all potential participants and affected parties; and
- parties who do not participate have an opportunity to review and comment on output.

3.3 Anti-competitive decisions

The GSMA must not take any decisions – directly or indirectly, explicitly or implicitly – which could lead to an unjustified restriction of competition. This includes any recommendations which may result in anticompetitive behaviour of GSMA Members, such as pricing recommendations. This also includes the adoption of industry specifications aimed at favouring or discriminating against the interests of one component of the industry specification constituency and which may result in some form of consumer harm.

3.4 Information Exchange

Certain information cannot be exchanged between competitors. This includes “commercially sensitive” information that may influence competitors’ strategic behaviour, such as forward-looking pricing, pricing policy, business strategy, product launch dates and planned mergers/acquisitions.

Ground rules when handling any Member information are:

- **Any information that could be considered sensitive should be sent from individual Members to GSMA staff, not directly to other Members.** GSMA staff act as the gatekeeper and decide a) whether the information is sensitive or

¹ For further information on membership criteria see [here](#) and for selection criteria for GSMA Committees and Advisory Groups, please see [AA.16 \(Articles of Association\)](#) and [AA.41 \(GSMA Regulations\)](#).

² For further information on the Industry Specifications process within GSMA, please see [AA.35 Procedures for Industry Specifications](#)

not; b) whether it can be distributed to other Members with / without changes; and c) whether legal review is required before distribution. This applies to all types of information, including presentations and uploads. However, Members are advised to consult with their own legal counsel before sharing any sensitive information with the GSMA.

- **Meetings / calls must have GSMA staff presence.** Legal presence at all Board and Board Committee meetings/calls and selected C-level meetings / calls is mandatory. Heads of Region and/or any other staff involved in the organisation of C-level meetings must flag them to the GSMA Legal Team as soon as they are confirmed. All other meetings and calls should be attended by at least one GSMA person, who shall be responsible for antitrust compliance at that meeting.

Note that:

- Initial meetings at the launch of new projects require an antitrust briefing.
- The GSMA Legal Team must be informed, before the first meeting is held or the first document is drafted, of the creation of new projects involving the participation of GSMA Members.
- Meetings involving commercially sensitive topics may require the presence of an antitrust lawyer from the GSMA [Legal](#) Team. The GSMA Legal Team must therefore be informed in a timely manner of such meetings to enable evaluation of the potential risk and organize appropriate attendance.
- The standard GSMA Antitrust slides must be included at the start of the presentations.
- If Members engage in inappropriate discussions or information exchange during a meeting - even inadvertently - the GSMA person attending the meeting must intervene to stop the discussion and, if necessary, close the meeting.
- **Any commercially sensitive information or information which could be seen to harm competitors, consumers or suppliers** must not be distributed via any **communication** channels.
- **Sensitive information must be sufficiently anonymised/aggregated while benchmarking.** That is, data must be collected from Members individually and aggregated before it is shared with other Members, so that individual contributions cannot be identified. Aggregations require at least five sources of input, e.g., benchmarking by country would be allowed only when at least five operators participate.

3.5 Document Review

All official documents, Board and C-level meeting documents require legal review. Other documents, presentations and minutes may require legal review if they contain commercially sensitive information, or anything that may be considered to trigger an antitrust compliance risk.

As stated above, the GSMA Legal Team must be informed of the creation of new projects involving the participation of GSMA Members.

Additionally, all GSMA communications and publications, such as the weekly CEO Newsletter, are subject to legal review to ensure that they do not contain any 'commercially sensitive' information or announcements which may be perceived as anticompetitive.

4. GSMA Services

The GSMA provides a number of services that aim to improve and support the global mobile ecosystem³. The GSMA takes utmost care in its commercial decisions in relation to these services and ensures access on fair, reasonable and non-discriminatory terms.

5. Training

All GSMA staff must pass an antitrust training module within three months of joining the GSMA and a refresher training every two years. Bespoke antitrust training is also given to the GSMA Leadership Team, to the Extended Leadership Team members and to selected GSMA staff who are in positions deemed to involve a higher antitrust risk. The GSMA Legal Team constantly assesses the need for and provides additional bespoke training sessions as appropriate.

Board members and GSMA Members joining leadership groups receive a bespoke antitrust briefing.

6. Your obligations

In order to protect yourself and the GSMA in relation to antitrust law, you must comply with the following obligations:

- Act with integrity and ensure that you understand and comply with this Policy.
- If you receive a request for information or notification of an inspection concerning GSMA activities from a competition authority, immediately refer the issue to the GSMA [Legal](#) Team.
- Complete and/or join all training sessions you are nominated for.
- Follow up carefully the training sessions you have attended by:
 - Periodically reviewing the relevant training materials, and
 - Carrying out a preliminary antitrust screening of any activity or project you are involved in.
- In case of doubt, always seek legal advice from the GSMA [Legal](#) Team.
- If you suspect or observe anything which may be in contravention of this policy, please ["Speak Up"](#).

If the GSMA becomes aware of any conduct by any representatives of Members which may breach the Antitrust Policy, the relevant Member(s) will be advised. The GSMA will work with the Member(s) in question to investigate and rectify the situation. If this is not possible, or, in the

³ For more information about GSMA services please see [here](#).

unlikely event that a Member does not co-operate with the GSMA in such circumstances, the GSMA may consider suspension or termination of membership.

If the GSMA becomes aware of any conduct by any GSMA employee which might breach the Antitrust Policy, the relevant employee will be heard, requested to stop the relevant conduct immediately and will be given specific instructions by the GSMA Legal Team (e.g. steps required to mitigate the risk).

If, following a request to stop, the employee does not stop the conduct in question or, if the conduct in question is clearly contrary to guidance previously given (in the antitrust training or in previous legal advice), the employee will be subject to disciplinary scrutiny. Disciplinary scrutiny can activate the application of disciplinary sanctions proportionate to the gravity, duration and consequences of the relevant conduct, including termination of employment.