

FRANCE IX : CODE OF CONDUCT

- FRANCE IX, non-profit 1901 Trade Association created under French Law on the 1st of August 2010. FRANCE IX association is the unique shareholder of the private company FRANCE IX SERVICES.
- This Code of Conduct document governs the conduct of Members appointed to executive, supervisory or other governance positions including but not limited to Board Members, Founding Members dealings with the Association, and staff employed by or otherwise holding positions within operating organisations created, maintained or operated by Association within the framework of its mission, herein referred to as “Member”. The Association expects all its Members to comply with the Code, and not to prejudice any of the aims or activities of the Association by any departure from it.

1. General

Meetings of competitors under the guidance of the Association are not prevented by competition law. However, the Association members must not use the forum provided by the Association in order to coordinate their commercial activities. Each Association member must exercise its independent business judgment in pricing its products and services, dealing with its customers and suppliers, and choosing the markets in which it will compete. Any activity that could create even the appearance of a restriction or distortion of competition must be strictly avoided.

2. Individual Responsibility

Whilst the Association expects each member to comply with this Code of Conduct in the course of its dealings with the Association, each member must take individual accountability for its full compliance with competition law.

3. Discussion Topics

Competition law prohibits the exchange of commercially sensitive and current market information which competitors normally keep secret. It is impossible to provide an exhaustive list of objectionable discussion topics, as the competitive significance of many issues is dependent upon the context in which they are raised. However, the Association prefers to take a cautious approach in relation to competition law issues. Therefore, no commercial topics outside the scope of the Association mission should be acted upon, or even considered, at the Association meetings and gatherings.

In particular, this Code of Conduct prohibits any discussions or exchange of information within the framework of the Association mission between its members that might constitute or imply an agreement or concerted practice concerning:

(1) prices or price factors, including discounts, rebates, and reductions;

(2) costs and demand structure;

(3) profits and profit margins;

(4) output and sales,

(5) market shares and sales territories;

(6) product roadmaps, launch plans, investments and marketing plans;

(7) bidding or refraining from bidding;

(8) credit conditions or any other terms or conditions of sale;

(9) exclusionary practices;

(10) selection, rejection, or termination of customers or suppliers

An agreement may include an oral or informal agreement, whether legally binding or not.

4. Conflict of Interest

If a member of the Association has an individual commercial interest in a specific outcome of a topic, it will recuse itself from the decision making process and the participation in finding the final decision.

5. Exchange of Information

The Association members shall not exchange individualised, up-to-date commercial information, particularly with regard to prices, discounts, costs, investments, output or sales, capacities, customers, or market shares, other than information already legitimately in the public domain.

In general terms, members should only exchange aggregate public historical data for the purposes of advancing the Association's mission.

6. Communication

Board members shall not communicate about France-IX with regards to journalists or newspapers without prior approval of France-IX.

7. Meetings

Board members shall attend board meetings. In case a board member cannot participate to a meeting, such member shall send a prior notification. A board member can be represented by a designated person.

If a meeting or discussion involves practices contrary to this Code, the Association will terminate that meeting or discussion immediately. A member should invite the Association to terminate a meeting if the member feels that the Code of Conduct has been breached.

Minutes are produced for each the Association meeting and are kept on official record.

Date

Signature