



## **Neogames Finland ry Competition Law Compliance Policy**

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This policy document sets out rules according to which Neogames operates and expects everyone participating in its activities to act. This document does not constitute legal advice and it is not designed to give an exhaustive picture of European competition laws. Neogames has committed to the rules of this Competition Policy and applicable competition laws and expects its members to act in compliance with this Competition Policy and applicable competition laws in all activities related to Neogames.

### **What to do if you suspect a breach of these guidelines?**

If you have concerns or you believe that this Competition Policy are not being correctly adhered to by Neogames or its members in connection with Neogames' activities, then you are encouraged to raise these concerns with Neogames.

### **Antitrust reminder to be presented in all Neogames Finland ry meetings**

Do not share or exchange potentially commercially sensitive information — such as information on your current or future plans related to purchasing or selling prices, pricing plans, profit margins, sales volumes, or marketing, advertising, investment, business or commercial strategies — or other information which may distort competition and lead you to big trouble.

## AGREEMENTS, RECOMMENDATIONS, SELF-REGULATION, CODES OF CONDUCT AND BEST PRACTICES

High Risk of Infringement - Actions that are deemed to violate competition rules	Actions that may give rise to competition law concerns	Low Risk of Infringement - Actions that are likely to fall outside the scope of competition law rules
<p>Some activities particularly by and between competitors (either engaged in connection with or outside Neogames activities) are clearly illegal. Neogames and its members are to refrain from all such practices.</p> <p><b>Agreements, decisions, and concerted practices preventing, restricting or distorting competition:</b></p> <ul style="list-style-type: none"> <li>• <b>Price, output, quality, choice or innovation fixing:</b> directly or indirectly coordinating or fixing purchase or selling prices (including the co-ordination of price ranges, discounts or any other element of pricing), trading terms/conditions such as capacity, policies, profit margins, or investment plans, exchange of competitively sensitive information, for instance, on business plans, prices and discounts, or other elements of pricing. Price fixing can also occur via establishing standard terms.</li> <li>• <b>Limiting or controlling supply, production, technical development, or investment</b> through agreements on investment levels or production quotas, the exchange of competitively sensitive information, for instance, on business plans, customer relations or ongoing or planned bids or joint negotiations. Jointly engaging in R&amp;D, selling, purchasing or production may be pro-competitive and acceptable. However, this should be confirmed with legal review unless the acceptable nature of the practice is clear.</li> <li>• <b>Anti-competitive collective boycotts:</b> collectively refusing to deal with a competitor, supplier or customer.</li> <li>• <b>Market sharing:</b> allocation of customer groups or territories between competitors; bid rigging (including sharing sensitive information on ongoing or planned bids); agreed restrictions on trade between EU Member States such as export bans, or prohibitions on sales to parallel traders.</li> </ul>	<p>Some activities can give rise to competition concerns, depending upon their substance and the market structure and require careful competition law pre-analysis.</p> <p><b>Formal or informal recommendations of Neogames</b> that are intended to or may influence the commercial behaviour of its members:</p> <ul style="list-style-type: none"> <li>• <b>Secure independent decision making:</b> recommendations must not prevent companies from taking independent commercial decisions;</li> <li>• <b>Secure competition:</b> recommendations must not lead to rules or practices that restrict companies from advertising their prices or discounts, soliciting for business or otherwise competing with other companies. The recommendations must not issue formal or informal pricing or output directions, nor should it prevent members from using different contractual conditions from any standard conditions, should they wish to do so.</li> <li>• <b>Do not create blacklists:</b> Recommendations must not either directly or indirectly, suggest that members should or should not do business with certain third parties, do business only on certain terms, or create 'blacklists' of third parties.</li> </ul>	<p>The following activities are unlikely to restrict the commercial freedom of members of the association or foreclose the opportunities of non-members:</p> <p><b>Organising meetings (formal or informal):</b></p> <ul style="list-style-type: none"> <li>▪ <b>Topics of discussion:</b> Public policy and regulatory matters, educational and scientific developments, demographic trends, generally acknowledged industry trends as well as publicly available information can be discussed, provided this does not result in increased certainty about competitors' future conduct in the market. Members may display or demonstrate new or existing products and discuss public R&amp;D (but not non-public) plans.</li> <li>▪ <b>Transparent process:</b> When more than two competitors are present, the participants should be reminded about Neogames Competition Policy. Every meeting should follow an agreed agenda that is circulated to all members before the meeting. Each meeting should be recorded in minutes.</li> </ul> <p><b>Self-regulation, code of conducts, best practices</b> can be adopted as long as they are based on pro-competitive (e.g. allow the use of competing technologies) and legitimate objectives. All interested parties must have an opportunity to participate and the results have to be accessible for anyone in the industry (including non-members), and any fees should be cost-based.</p>

High Risk of Infringement - Actions that are deemed to violate competition rules	Actions that may give rise to competition law concerns	Low Risk of Infringement - Actions that are likely to fall outside the scope of competition law rules
<p><i>Agreements, decisions, and concerted practices preventing, restricting or distorting competition continues</i></p> <ul style="list-style-type: none"> <li>• <b>limitations on hiring competitors' employees:</b> agreeing not to recruit employees from competitors, including companies that are only competitors in the sense that they compete for the same employees.</li> <li>• <b>agreeing on remuneration levels with competitors:</b> agreeing not to offer better compensation than competitors.</li> </ul> <p><b>Please note that there are a number of ways to implement the restrictive practices listed above. Those include for example:</b></p> <ul style="list-style-type: none"> <li>• Written, oral or even tacit agreements which can be made also via informal or formal meetings or discussions</li> <li>• Decisions made by Neogames' board or other forums where the representatives of members can participate in the decision-making process</li> <li>• Exchange (either mutually or unilaterally) of commercially sensitive information between representatives of Neogames' members.</li> </ul>	<p><b>Sustainability agreements and other standardisation agreements:</b> Competitors may agree to adopt and comply with ESG standards to contribute to sustainable development by phasing out, withdrawing, or in some cases, replacing non-sustainable products and processes with sustainable ones (e.g. by establishing rules, guidelines or requirements for products and processes in light of such sustainability metrics). Such agreements are unlikely to be anti-competitive if:</p> <ul style="list-style-type: none"> <li>• all interested parties are able to participate in the process leading to the selection of the standard;</li> <li>• the standard does not impose any direct or indirect obligations on companies that do not wish to participate in the standard;</li> <li>• the participants are free to apply higher sustainability standards;</li> <li>• the participants do not exchange commercially sensitive information if it is not objectively necessary and proportionate for the development, implementation, adoption or modification of the standard; and</li> <li>• the standard does not lead to a significant price increase or a significant reduction in the quality of the products concerned.</li> </ul>	

TRADE ASSOCIATION MEMBERSHIP, LOBBYING, SME-SUPPORT AND ACCESS TO TALENT		
High Risk of Infringement - Actions that are deemed to violate competition rules	Actions that may give rise to competition law concerns	Low Risk of Infringement - Actions that are likely to fall outside the scope of competition law rules
	<p><b>Membership of trade association:</b> Trade association membership criteria and the rules for participation in the association should be:</p> <ul style="list-style-type: none"> <li>• open,</li> <li>• transparent,</li> <li>• non-discriminatory,</li> <li>• voluntary,</li> <li>• clear,</li> <li>• precise,</li> <li>• legitimate,</li> <li>• objective,</li> <li>• and sufficiently determinate so as to enable them to be applied uniformly in a non-discriminatory manner to all potential members.</li> </ul> <p>Any refusal of membership should also be subject to an appeal mechanism under the ultimate supervision of EU member states' courts. It is especially important to abide by these rules if the trade association controls in some way access to an economic activity. If a company is not a member of a trade association, it should not place a business at a competitive disadvantage.</p>	<p><b>Lobbying:</b> representing the industry's positions to governmental and regulatory institutions and handling the public relations face of the industry, provided this does not result in increased certainty about competitors' future conduct in the market.</p> <p><b>Supporting SMEs:</b> making arrangements for smaller members to obtain legal information and advice.</p> <p><b>Facilitating access to talent:</b> promoting standard education and training.</p>

<b>RESEARCH AND INFORMATION EXCHANGE</b>		
<b>High Risk of Infringement - Actions that are deemed to violate competition rules</b>	<b>Actions that may give rise to competition law concerns</b>	<b>Low Risk of Infringement - Actions that are likely to fall outside the scope of competition law rules</b>
<p><b>Research and information exchange:</b></p> <p>Information sharing between competitors is regarded as anticompetitive practice when the exchanged information is:</p> <ul style="list-style-type: none"> <li>• <b>Confidential:</b> commercial information that the companies would normally keep confidential</li> <li>• <b>Current information</b> or information about the future plans, products or intentions of the competitor</li> <li>• <b>Specific:</b> information that can reduce uncertainty about the future conduct of the company</li> <li>• <b>Frequent:</b> even a one-time exchange may be problematic, but the more frequently data is exchanged, the more likely it may affect the competitive behaviour of the companies</li> </ul> <p><b>Examples of sensitive data not to be exchanged:</b></p> <ul style="list-style-type: none"> <li>• product-specific costs or sales information</li> <li>• prices and discounts</li> <li>• sales volumes</li> <li>• key contractual terms,</li> <li>• client relations, ongoing bids or plans to bid for business</li> <li>• business plans, marketing plans or commercial strategy</li> <li>• competitive strengths/weaknesses in particular areas</li> <li>• production planning or output levels</li> <li>• product development or investments for example in research programs which is not yet widely known</li> <li>• Individualised market share data</li> <li>• matters relating to specific suppliers or customers</li> </ul>	<p><b>Research and information exchange</b></p> <p>Types of information sharing that likely rises only limited competition law concerns depending on the context and market structure</p> <ul style="list-style-type: none"> <li>• <b>Information sharing organized through a neutral party:</b> e.g., independent members of the association team and staff or a third-party market research firm. The members should not share the information directly between themselves. Even when the information is shared via third party such as Neogames, the information finally distributed amongst the competing companies should be anonymized and not include detailed information about individual companies or information based on which individual companies are recognised.</li> <li>• <b>Sharing 'historical' data:</b> Typically, information/data is considered to be historical once it is between 6 months and 1 year old. However, what constitutes historical data/information is highly fact/industry-specific. Sharing detailed recent information should be avoided unless it is clear the information cannot affect competition..</li> <li>• <b>Sharing aggregated (at least five companies in general or at least three companies in specific data categories) and anonymized data:</b> Individualized data must not be circulated and it must not be possible to attribute data/information to a particular member through its context.</li> </ul>	<p><b>Research and information exchange:</b> e.g. undertaking industry-wide research on the state of the games industry.</p> <ul style="list-style-type: none"> <li>• <b>Enhancing competition through knowledge sharing:</b> Competition may be enhanced by the sharing of information or experiences, for example, on new technologies or market opportunities. If this information sharing has no risk of making competitors' market conduct more uniform, it may be exchanged.</li> <li>• <b>Non-confidential information that is in the public domain</b> often includes the following: <ul style="list-style-type: none"> <li>○ Information on public policy matters, educational and scientific developments, regulatory matters of general interest, demographic trends, generally acknowledged industry trends.</li> <li>○ Information concerning industry standards increasing product interoperability, compatibility or safety and health and safety matters a non-strategic technical or scientific data that results in consumer benefits,</li> <li>○ non-commercially sensitive information in respect of industry public relations and good faith lobbying efforts</li> <li>○ general market forecasts prepared by, e.g. an analytics company .</li> </ul> </li> </ul> <p><b>Each company should make their independent decisions based on the data:</b> The decisions to be based on the data</p>

<ul style="list-style-type: none"> <li>• detailed market forecasts</li> <li>• Individualised salary and wages data</li> </ul> <p><b>Even one-sided disclosure of sensitive information may be considered prohibited information exchange.</b></p>	<ul style="list-style-type: none"> <li>• <b>Sharing information with customers or non-competitors;</b> reasonable safeguards such as NDAs should be put in place to ensure the data is not transmitted to the competitors.</li> </ul>	<p>should not be discussed among companies. Data should not lead to forecasting, recommendations or implied understandings about future conduct.</p>
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