

14 October 2016

Anti-Trust Policy

The Compliance in Mining Network (CIMN) is an international forum in the Mining industry created to share experiences, challenges and best practices, develop common approaches towards ensuring legal compliance and set common standards mainly in the field of anti-corruption to the benefit of society at large.

The Members of CIMN believe that the objectives of the network can best be advanced through collaborative efforts. CIMN and its Members acknowledge and understand that their activities must at all times be undertaken in compliance with all applicable laws and regulations, including but not limited to laws and regulations relating to antitrust and competition. These laws are intended to preserve and promote free, fair and open competition. Failure to abide by these laws can have extremely serious consequences for CIMN, its Members and the individuals participating in the activities of CIMN.

According to this policy CIMN and its Members agree to conduct all of its activities in strict compliance with all applicable antitrust and competition laws, in order to facilitate legitimate pro-competitive and other activities that help advance the objectives of the forum, but which excludes any prohibited activities. It is therefore against the policy of CIMN to sponsor, encourage or tolerate any agreements, discussions and exchanges of information, or communications that could violate applicable antitrust or competition laws. In addition, Members agree that there can be no agreements, discussions and exchange of information or communication of any kind relating to *commercially sensitive information* (see definition below) during, in or around CIMN meetings or calls, whether written, oral, formal, informal, by act or omission, in social settings, or “off the record”.

Commercially sensitive information is all information which reduces the strategic uncertainty of the recipient. This includes but is not limited to the following:

- Prices, pricing policies, bids, discounts, promotions, terms of sale or credit, royalties, or license fees;
- Specific customers, offers or sales volumes to specific customers;
- Geographical markets or sales volumes to specific geographic markets;
- Production volumes, production quotas, capacity, downtime, utilization rates, or inventory;
- Costs,
- Profits or turnover of individual companies, products or services;

- Strategic plans or marketing plans;
- Boycotts or refusals to deal with particular companies or groups;
- Individual companies decisions on whether to produce certain products, adopt certain product designs, or carry out specific product release dates or cycles;
- Investments and divestments; or
- Technologies and R&D programs and their results.

Each Member will ensure that its representative(s) who attend meetings of, or are otherwise involved with, CIMN have received adequate training in compliance with antitrust law with particular focus on contacts with competitors and trade associations, including exchange of information, and have reviewed this Antitrust Policy. Each Member must also ensure that its representative(s) have been instructed to stop any discussions that violate this policy and report any violations to their company's own appropriate counsel.

While an important objective for CIMN will be to develop common standards for anti-corruption as well as aligned approaches to anti-corruption, it is stressed that such standards or approaches will only be passed in strict compliance with the applicable antitrust or competition laws and only after legal review by appropriate counsel. In any event, such standards and approaches will never limit any company's freedom or discretion to make its own business decisions, to prevent the manufacture or sale of any product not conforming to such a specified standard, or to have the effect of restraining competition, including amongst suppliers and sub-contractors to the Members of CIMN.

Further, while an important objective for CIMN will be the sharing of best practices, such sharing should be generic and cannot contain information that could identify specific parties or details, e.g. names and dates, and must comply with the present Antitrust Policy. Any direct information sharing conducted through CIMN must undergo prior legal review by appropriate counsel.

For each CIMN meeting or telephone conference, an agenda and written minutes will be prepared and circulated among the Members. These must be reviewed by an internal legal counsel of the CIMN Members, and subsequently shared with all participants, and approved by participants at the subsequent meeting.

The following Antitrust Statement will be included on the agenda of all CIMN meetings:

Attendees are kindly reminded that CIMN is committed to comply with all relevant antitrust and competition laws and regulations and, to that end, has adopted an Antitrust Policy, compliance with which is a condition of continued CIMN membership. Failure to abide by these laws can potentially have extremely serious consequences for CIMN and its Members. You are therefore asked to have due regard to this Policy today and in respect of all other CIMN activities.

[CIMN meetings are held under the Chatham House Rule leaving participants free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed. The Chatham House Rule of open discussion does not provide any legal protection for information provided.]

A copy of this Antitrust Statement will be provided to all Members. The Statement is a general guide only and all questions concerning antitrust and competition law compliance should be referred to appropriate counsel.

26 Oct 2016

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company:

Print name:

Company

Print name:

Company:

Print name:

Company

Print name:

Company:

Print name:

Company