

ANTI-COMPETITIVE ACTIVITIES POLICY STATEMENT

As a company and as individuals we are obliged by law to comply with various rules that are designed to ensure that competition between businesses within the UK and Europe is not unduly restricted. Competition compliance is all about upholding these rules and more importantly about being seen to uphold these rules. Under the United Kingdom Competition Act 1998 (CA98) there are (i) prohibitions on anti-competitive agreements and (ii) rules relating to abusive conduct by dominant businesses. The Enterprise Act 2002 (EA02) is also now in force. This creates individual liability by making it a criminal offence for any individual dishonestly to enter into an agreement relating to price-fixing, market sharing, bid-rigging or production-limiting cartel. EU competition rules could also apply where the same type of agreement or conduct affects trade between EU member states. However, this Manual is mainly concerned with the UK position that applies to trade purely within the UK.

Investigation of Anti-Competitive Activities

In the United Kingdom, the Office of Fair Trading (OFT) and the Serious Fraud Office (SFO) in the case of EA02 investigations, have extensive powers to investigate markets and business activity where it is considered that anti-competitive practices may be taking place. This could involve officials from the OFT or SFO arriving at any or all SWH premises to search our records.

Compliance with Competition Law

The Managing Director is the officer responsible for implementing Evans Maintenance competition law compliance policy. Compliance with these rules is an important issue for us for a number of reasons:

- Failure to comply with competition rules can have an extremely high financial cost. The Office of Fair Trading can impose fines of up to 10% of worldwide turnover for one year.
- Any agreement that infringes competition law may be wholly or partially invalid which means that the company cannot enforce it.
- Orders which can be made against us to cease or modify the infringing agreement or practice may result in an unanticipated outcome.
- Third parties who suffer loss as a result of anti-competitive behaviour may be able to claim damages from us for their loss.
- Investigations into the company and findings of infringements attract adverse press comment.
- Investigations and possible legal proceedings resulting from infringements can take years to resolve, leading to high costs and taking up management time that should be devoted to more profitable projects.
- There is also an increased risk of further complaints against the company and ongoing surveillance by the competition authorities.

Compliance with EA02 is also important to avoid the two new legal risks for all of us as individuals:

- It will be a criminal offence dishonestly to enter into certain 'hardcore' cartel arrangements, with fines and imprisonment as penalties.
- Directors of companies that have infringed UK or EU competition law could face disqualifications as a director for up to 15 years.

Evans Maintenance Compliance

This policy statement aims to give you an overview of the main rules of UK competition with which we will strive to comply at all times



Tim Evans
Managing Director