



National Electrical Manufacturers Association

Guidelines for Conducting NEMA Meetings

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General

NEMA is a member-focused association committed to the development of industry-leading Standards, effective government advocacy, and decision-quality business intelligence. NEMA offers a platform for its members to engage with each other to develop consensus documents and positions that strengthen the industry. To facilitate effective discussion, NEMA members, member representatives, staff, and other meeting participants are required to respect each other, act in a civil manner, and abide by the [NEMA Code of Conduct and Ethics](#).

Antitrust

Trade association meetings can benefit competition and consumer welfare but participants must be vigilant about antitrust concerns to avoid illegal agreements. At NEMA meetings, commercial topics shall not be discussed or acted upon. Specifically, avoid discussing:

- Prices or components like discounts and credit terms;
- Price lists coordinated price changes;
- Licensing or validity of patents;
- Sales or production quotas;
- Customer allocation or division of territories;
- Boycotts or markets/product exclusions;
- Company statistics, market shares, or merchandising methods;
- Commercial practices of particular competitors or customers;
- Commercial liabilities, warranties, or terms of sales,

Antitrust violations carry steep penalties: organizations may face fines up to \$100M per offense, and individuals may be fined up to \$1M and face up to 10 years in jail. Additionally, private lawsuits can result in treble damages and high legal costs. To mitigate risk, NEMA takes a conservative approach to antitrust issues to avoid even the appearance of impropriety.

Notice & Agenda

Each NEMA meeting must be preceded by a notice sent to participants. The meeting agenda should also be provided. This will alert participants to the business to be considered, enabling them to prepare for a productive meeting. The agenda can also alert participants and staff to matters which may raise legal questions for which the advice of counsel may be sought prior to the meeting.

Standards

When discussing standardization activities at meetings, NEMA policy mandates that the focus be solely on technical, engineering and safety factors, and exclude commercial considerations like pricing or market share. Discussions relating to licensing, patent construction and validity shall not take place at standards development meetings. Since NEMA standards are voluntary, there must be no agreement to adhere to them or any discussions of conformance implementation. Participants involved in NEMA's standardization activities shall read the [NEMA Technical Policies and Procedures](#).

Bring Essential Patent Claims to the attention of NEMA early in the standards development process.

NEMA and ANSI policies provide that standards may embrace “essential patent claims” if technical reasons justify that approach. A patent claim is deemed “essential” if its use is necessary for compliance with the NEMA Standard or proposed NEMA Standard and no feasible alternatives exist. Participants in the NEMA standards development process must disclose known essential patent claims and are encouraged to bring essential patent claims to NEMA's attention early and at any time during the standards development process. Participants will be asked to certify at ballot if they are aware of any essential patent claims. Companies that hold essential patent claims are required to make a licensing commitment as spelled out in Section 7.9 of NEMA's [Technical Policies and Procedures](#) or applicable ANSI policy.

Statistics

Statistical programs are among the most valuable services NEMA can offer its membership. They are lawful so long as they are not part of a prohibited scheme to fix prices, allocate production or otherwise unreasonably restrain trade. At all statistical committee meetings, participants shall not disclose or discuss individual company data, company sales or production plans. Participation in the statistical programs is voluntary, and no one may be coerced.

Minutes

Minutes serve as official records of the Association, documenting what occurred during a meeting, and are often requested by litigants and investigators. The committee secretary or staff lead is responsible for ensuring the minutes are clear, complete and accurate regarding actions taken and their justification. Additionally, there are no “off the record” conversations at NEMA meetings. If you think your comments may be inappropriate for recording, they likely shouldn't be made at all.

Meeting Format and Virtual Participation

While a virtual option is typically provided for most NEMA meetings, participants who choose to attend remotely are responsible for securing all necessary equipment, internet connectivity, and technology

required for participation. NEMA makes no representations, warranties, or guarantees regarding the availability or quality of the virtual meeting experience, and in-person meetings will proceed as scheduled, regardless of any technical issues affecting virtual participants. Agendas and virtual meeting links (e.g., Microsoft Teams) will be distributed to committee members prior to the meeting date.

AI Chatbots, Meeting Assistants, and Recordings

NEMA does not allow participants to record meetings (audio or video). In general, NEMA also does not allow participants to use chatbots or AI “meeting assistants” to transcribe or record a meeting. NEMA cannot prevent these assistants from collecting, retaining, or sharing sensitive information, including personally identifiable information of hosts and attendees. Any accessibility concerns or request for accommodations should be raised with NEMA staff in advance of a meeting.

NEMA has procured an AI tool that can be activated during Microsoft Teams meetings to provide the meeting host with a summary of the meeting. This tool has been vetted and implemented by NEMA Information Technology to ensure information security and to not retain any audio, video, or direct transcriptions from the meeting. NEMA staff may use this AI tool during NEMA meetings, absent objections from NEMA members or other meeting participants.

Use of Teams Chat

As most NEMA virtual meetings occur on Microsoft Teams, participants have the opportunity to utilize the Teams Chat function. Teams Chat should only be used to indicate votes or provide non-substantive information regarding attendance (e.g., “sorry I’m late”, “I need to step away for a moment”), or to quickly share a document or link. Teams Chat should NOT be used for substantive conversations related or unrelated to the meeting.

Presence of NEMA Staff Member

NEMA policy requires the attendance of a NEMA staff member at all meetings where NEMA business is conducted, which should be broadly interpreted. Participants shall not plan future NEMA meeting without a NEMA staff member present. If a NEMA staff member cannot attend, the meeting must be postponed. NEMA staff are trained to conduct meetings and can identify potential antitrust issues, serving as an essential safeguard for participants.

Informal Gatherings

When a NEMA meeting adjourns, it should be considered fully concluded. Informal sessions before or after a meeting can lead to discussions of “confidential” or prohibited subjects, risking anticompetitive conduct that could significantly harm participants, their companies and NEMA. Documentation of informal gatherings can be crucial in prosecutions for price fixing, as the antitrust laws apply whether it is a formal meeting, an informal session, or a conversation in a hallway.

Role of Counsel and Legal Issues

NEMA counsel is available at all times to discuss any legal issues, concerns, or questions NEMA staff may have and is available to join any meeting that raises such concerns. Staff is encouraged to contact the General Counsel any time they have a question regarding any legal issues.

Each member company remains solely responsible for its own compliance with all applicable laws and regulations. Discussions that involve or reference legal or regulatory issues are intended for general informational purposes or to establish policy positions and should not be relied upon as legal advice. Statements made, views expressed, or conclusions reached during any meeting or discussion are those of the

individual participants and shall not be attributed to NEMA or construed as representing NEMA's official legal or regulatory guidance.