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**ANTITRUST LAWS**

Most associations are inherently composed of competitors in the same industry or field. Because of this, association leadership has to be careful to not to set association policies or make decisions that could violate antitrust laws--regulations that prohibit anti-competitive actions that restrain a trade or industry. If your association sets unfair standards for membership or certification, or other policies that unfairly restrict competition for nonmembers, you could find yourself on the wrong side of an antitrust lawsuit. An association’s certification procedures can be held liable for anticompetitive behavior if:

1. The certification is essential for anyone to effectively compete in the industry
2. The program uses invalid or unreasonable standards or criteria, or unfair and inappropriate procedures, to exclude certain individuals from receiving certification

**EXAMPLES OF ANTICOMPETITIVE ACTS**

* Tying arrangements - requiring association membership as a prerequisite for obtaining important certifications
* Setting an unreasonably high price to apply for certification, recertification, or association programs
* Using standards for certification that are not reasonably justifiable
* Subjective/arbitrary enforcement of restrictions
* Association members colluding to set standards that are unfair or exclusionary to certain competitors
* Terminating a membership for reasons other than nonpayment or violations of legal, objective criteria

It is important for your association to set up safeguards against possible antitrust violations. Set a strong antitrust policy and make sure that it is accessible and understandable for all members. Also, carefully review your association’s code of ethics/conduct to make sure that none of the standards set by your organization could be reasonably construed as anti-competitive.