International Interconnection forum for services over IP

(i3 Forum)

(www.i3Forum.org)

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**I3Forum Restricted Internal**

**Compliance Charter (Release 1.3)**

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# Introduction

***Preamble***

As communications carriers, the members of the i3 Forum have the obligation to their owners and customers to protect their services and their customers against abuse and other illegal activities.

This Charter outlines the standards of conduct that members of the i3 Forum Fraud WS have agreed to adopt in order to promote ethical conduct and to be in compliance with antitrust legislations in all activities of the Fraud WS.

***Purpose***

The purpose of this document is to provide guidelines and general advice to i3 Forum (i3F) Members in relation to issues of antitrust (competition) law which may arise when discussing and sharing information regarding potential fraud events within the i3F Fraud WS.

These guidelines do not provide more than a brief outline of the relevant law. Accordingly, they are for general information purposes only. Each member of the i3F should seek specific advice from his or her company’s legal department regarding the application of antitrust or competition law to the specific facts of any particular case or to resolve any doubt whatsoever about the antitrust rules that are applicable to a particular issue. Similarly, if any doubt exists after reviewing the i3 Forum Compliance Charter as to whether it is permissible to discuss a certain issue, then that issue should not be discussed and the matter should be referred to the member’s legal department.

With respect to the exchange of information, electronically or verbally, only members designated to receive and/or send such information shall be party to any exchange of information. Furthermore as a precaution, persons who have commercial negotiating responsibilities (for establishing prices and terms) should consult with their legal representatives to obtain permission to participate and to ensure they are very familiar with antitrust laws and company policy regarding information sharing.

***Principles***

All representatives of members of the i3F Fraud WS are under the obligation to conduct all business dealings connected to the i3F in accordance with applicable antitrust legislation and to read and follow this Charter. It is also necessary that each member representative of the i3F demonstrates the highest degree of professional and ethical standards.

I3F Fraud Work Stream Chairperson shall conduct meetings and discussion relative to the policies and decisions connected to the i3F activities on the principles outlined in this Compliance Charter.

In the frame of the i3F Fraud WS activities, the i3F members shall subscribe to, and exercise, the principles listed herein as a part of their normal procedures in dealing with fraud control and security management for the interests of members of the telecommunications industry, in general.

1. All member activities shall be consistent with applicable laws and government regulations.
2. All members shall be afforded equal rights and privileges within the i3F Fraud WS organization.
3. Each member shall endeavour to respect and protect the rights and privileges of all other members.
4. Sensitive information provided by members in accordance with the antitrust rules shall be treated with strict confidentiality and only for the purpose agreed upon (strictly need to know basis).
5. Members are encouraged to disseminate non-sensitive information, within the i3F Fraud WS, that may be beneficial to other members.
6. Requests for assistance from fellow members shall be given priority treatment, unless company procedure and/or policies require otherwise.
7. No member shall share competitively sensitive information. If competitively sensitive information is inadvertently shared, the recipient(s) shall not further disseminate that information internally or externally.

Guidelines in relation to antitrust law

Antitrust law limits what can be discussed between competitors in formal or informal meetings or conversations. These guidelines are required because collaboration within i3F brings with it meetings between competitors. A failure to respect antitrust rules could expose the representatives and their companies to serious fines and/or criminal sanctions. *Appearance of impropriety by itself may be enough to trigger a complaint or legal investigation, even if the activity in question is entirely lawful.*

Each member acting as chairperson of a formal meeting shall be responsible for ensuring that these and other i3F guidelines are respected, but it is incumbent upon each member as well to understand and follow the guidelines, even in informal discussions.

The exchange of information must be limited to that which is required for the purposes specified in what are generically referred to as the i3 Forum Dispute Handling Guidelines. The templates included in the Information Sharing Document are designed to help ensure that only appropriate information is shared, preceded by some additional principles that should not be departed from without prior consultation with a member’s legal department:

* Information should be factual and expressed in an objective, rather than subjective or conclusory manner.
* I3F Members, irrespective of their function, must not discuss
  + the prices that any of them charge or the prices that competitors charge;
  + price-related matters such as their costs, profit levels, discounts, terms or conditions of sale;
  + allocating (or agreeing not to compete for) markets, customers, suppliers or territories.
* Members must not undertake any statistical, bench marking or survey program, nor exchange information on market percentages, suppliers, retailers, market supply or demand trends.

Because the members will be sharing factual information about other companies that provide telecommunications services, it is important that the members limit their discussion about these other companies to describing facts about those companies’ activities in the marketplace. The members must not discuss or agree upon an approach to respond to the activities of those companies. Thus, for example, although the members can on their own decide whether or not to take action, members are not permitted to discuss and/or agree to cut off service to a particular carrier or to stop routing traffic to a particular carrier.

***SUMMARY***

The purpose of this Charter is to protect the sensitivity of information, members’ rights, responsibilities and professionalism, individual and collective needs of the members, and the impact of the i3F on the international communications industry.