Resolution on the review of the competition horizontal cooperation rules

2010/2761(RSP) - 25/11/2010 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 25 November 2010, the European Parliament adopted a resolution tabled by the Committee on Economic and Monetary Affairs on the review of the competition horizontal cooperation rules.

Noting that both Commission Regulation (EC) No 2658/2000 on the block exemption regulation on specialisation agreements ("the specialisation BER) and Commission Regulation (EC) No 2659/2000 on the block exemption regulation on research and development agreements ("the R&D BER") will expire on 31 December 2010, Parliament welcomes the fact that the Commission has opened two different public consultations in connection with the review of the competition rules applicable to horizontal cooperation agreements, and calls upon it to specify at the end of the review procedure how it has taken into account contributions from the stakeholders.

Members highlight the importance of the two block exemption regulations in the area of horizontal cooperation for the analysis of the agreements falling within their scope. They note that, even if an approach based on defining a safe harbour based on market shares is not perfect, it reflects an economic fact and is quite simple to understand and apply. Parliament agrees that horizontal agreements usually raise more competition concerns than vertical agreements and therefore understands that the Commission is maintaining a more restrictive approach on setting the market share threshold as regards horizontal agreements. It notes, however, that most horizontal cooperation agreements do not fall within the scope of these two block exemption regulations. It asks the Commission to analyse whether stakeholders and the objective of maintaining effective competition would benefit from the establishment of new specific block exemption regulations to cover particular types of horizontal agreements other than R&D and specialisation. If so, the Commission is asked to seek appropriate authorisation from the Council.

Members take the view that horizontal guidelines represent a useful analysis and self-assessment tool for companies, with a sophisticated economic approach, whether or not a horizontal cooperation agreement infringes Article 101(1) TFEU. They appreciate, therefore, that the new horizontal guidelines reflect the self-assessment need introduced by Regulation 1/2003 and provide clear guidance for complex arrangements such as joint ventures and agreements covering more than one type of cooperation. Such an approach should not, however, lead to a more complicated regulatory framework.

Lastly, Parliament recalls, in this context, the better regulation principle of improving the quality of legislative and regulatory drafting, namely through the use of clear and precise language, and favours very clear and reader-friendly guidelines including more concrete examples where appropriate, as requested by several stakeholders.