

EU–UK Agreement regarding cooperation on the application of their respective competition laws

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PURPOSE: to conclude, on behalf of the European Union, the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on cooperation on the application of their competition laws.

PROPOSED ACT: Decision of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom, of the other part, of 30 December 2020 (the TCA) establishes rules on cooperation and coordination in the field of competition law and its enforcement. Article 361(4) of the TCA provides that the Parties may conclude a separate agreement on cooperation and coordination in competition matters. This supplementary agreement will establish a framework for existing cooperation.

On 8 June 2023, the Council authorised the Commission to open negotiations with the United Kingdom on cooperation and the exchange of information in competition matters. The negotiations were concluded at technical level in October 2024.

CONTENT: the Commission proposes that the Council decides to approve, on behalf of the Union, the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on **cooperation on the application of their competition laws**.

The purpose of the Competition Cooperation Agreement is to promote cooperation and coordination in competition matters between the competition authorities of the EU and its Member States, on the one hand, and the UK, on the other, with a view to ensuring more effective enforcement of EU and UK competition law. The Agreement therefore allows not only the Commission, but also the national competition authorities of the EU Member States responsible for enforcing EU competition law, to cooperate directly with the UK competition authority (the Competition and Markets Authority).

The Competition Cooperation Agreement:

- provides for notification of enforcement actions that materially affect the other party's important interests and rules on negative comity;
- contains provisions on practical cooperation between the Commission, national competition authorities and the UK Competition and Markets Authority;
- empowers the Commission and the national competition authorities of the Member States, when applying EU competition law, to examine, transmit, receive and use as evidence information from the UK Competition and Markets Authority;
- allows for the exchange of information between competition authorities to the extent permitted by the national law applicable to them;

- provides rules relating to the confidentiality of information shared under its provisions;
- also governs how the parties exchange information on technical matters relating to the operation of the agreement, how they communicate under the agreement and how they deal with any accidental use or disclosure of information.