Competition policy. 25th report 1995

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It is desirable that, as part of the growing moves to "promote" competition law, more space be devoted to the chapters on the application of national and EU competition rules in the Member States. - The Committee notes the explicit assurance that Article 85(3) makes it possible to consider agreements between cooperatives "with the necessary flexibility"; - On the subject of information exchange agreements, the Committee points out that communication technologies have advanced dramatically. "Real time" information is now a key requirement of businesses and, for many of them, is intrinsic to productivity and efficiency and hence to competitive growth. - The Committee applauds the Commission's intention to extend the scope of the block exemption regulations so as to allow pro-competitive agreements between SMEs, and welcomes its commitment to look favourably on cooperation in general. The Committee again asks the Commission to reconsider vertical cooperation with the necessary flexibility, as such cooperation should not necessarily be prohibited under Article 85. As regards procedural law, the Committee thinks that the rights of the defendant, access to files and the length of procedures (although progress has been made in this latter regard) all need to be improved. An effective EU competition policy increasingly calls for cooperation from national authorities. The demarcation criteria must be clear and precise. If further steps were also made to harmonize national legislation, the risk of "diversified" interpretations or implementation could be considerably reduced.