EC/United States agreement: application of competition rules

1994/0236(CNS) - 12/10/1994 - Legislative proposal

This proposal for a decision sought to conclude an agreement between the European Communities and the USA regarding the application of their competition laws. The aim of this agreement was not to create a framework for conflict resolution between the parties but to avoid these conflicts from arising by establishing a system of cooperation and information between the competent authorities (namely the EC Commission, the US Department of Justice and the Federal Trade Commission - FTC). The agreement contained a definition of its scope (Articles 85, 86, 89 and 90 of the EC Treaty, the Regulation on the control of concentrations between undertakings and Articles 65 and 66 of the ECSC Treaty, for the Communities; Sherman Act, Clayton Act, Willson Tariff Act and part of the FTC Act, for the Americans) and provided for the obligation of notification of the other's competition authorities if "important interests" of that party were affected. Notification should be made far enough in advance to enable the other party's views to be taken into account. Each party should render assistance to the other party to the extent compatible with the assisting party's laws and important interests, and within its available resources, but they should also work together when applying their rules in accordance with the specific situation. The agreement also stated that each party should take account of the other's important interests when applying its competition rules. Furthermore, information should only be disclosed on the condition that the exchange was not incompatible with the confidentiality rules of each of the parties.