

| Basic information                                                                                                                                                                                                                                                                                                                      |                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>2008/0004(CNS)</b><br><br>CNS - Consultation procedure<br>Decision                                                                                                                                                                                                                                                                  | Procedure completed |
| EC/Korea agreement: cooperation on anti-competitive activities<br><br><b>Subject</b><br><br>2.60 Competition<br>6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)<br>6.20.02 Export/import control, trade defence, trade barriers<br>6.20.03 Bilateral economic and trade agreements and relations |                     |

| Key players                   |                                               |  |                               |
|-------------------------------|-----------------------------------------------|--|-------------------------------|
| European Parliament           | <b>Committee responsible</b>                  |  | <b>Rapporteur</b>             |
|                               | <div>INTA</div> International Trade           |  | MARTIN David (PSE)            |
|                               | <b>Committee for opinion</b>                  |  | <b>Rapporteur for opinion</b> |
|                               | <div>ECON</div> Economic and Monetary Affairs |  | HÖKMARK Gunnar (PPE-DE)       |
| Council of the European Union | <b>Council configuration</b>                  |  | <b>Meetings</b>               |
|                               | Education, Youth, Culture and Sport           |  | 2923                          |
| European Commission           | <b>Commission DG</b>                          |  | <b>Commissioner</b>           |
|                               | Competition                                   |  | KROES Neelie                  |

| Key events |                                                                 |                                                                                                        |         |
|------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------|
| Date       | Event                                                           | Reference                                                                                              | Summary |
| 11/01/2008 | Legislative proposal published                                  | SEC(2007)1731<br> | Summary |
| 05/11/2008 | Vote in committee                                               |                                                                                                        | Summary |
| 18/11/2008 | Committee report tabled for plenary, 1st reading/single reading | A6-0452/2008                                                                                           |         |
| 20/11/2008 | Committee referral announced in Parliament                      |                                                                                                        |         |
| 04/12/2008 | Decision by Parliament                                          | T6-0572/2008                                                                                           | Summary |
|            |                                                                 |                                                                                                        |         |

|            |                                                         |                                                                                     |  |
|------------|---------------------------------------------------------|-------------------------------------------------------------------------------------|--|
| 04/12/2008 | Results of vote in Parliament                           |  |  |
| 16/02/2009 | Act adopted by Council after consultation of Parliament |                                                                                     |  |
| 16/02/2009 | End of procedure in Parliament                          |                                                                                     |  |
| 04/08/2009 | Final act published in Official Journal                 |                                                                                     |  |

| Technical information      |                                                                          |
|----------------------------|--------------------------------------------------------------------------|
| Procedure reference        | 2008/0004(CNS)                                                           |
| Procedure type             | CNS - Consultation procedure                                             |
| Procedure subtype          | International agreement                                                  |
| Legislative instrument     | Decision                                                                 |
| Legal basis                | EC Treaty (after Amsterdam) EC 308<br>EC Treaty (after Amsterdam) EC 083 |
| Stage reached in procedure | Procedure completed                                                      |
| Committee dossier          | INTA/6/59955                                                             |

| Documentation gateway                                           |                                                                                                                      |                              |            |                         |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------------------|------------|-------------------------|
| European Parliament                                             |                                                                                                                      |                              |            |                         |
| Document type                                                   | Committee                                                                                                            | Reference                    | Date       | Summary                 |
| Committee draft report                                          |                                                                                                                      | <a href="#">PE409.787</a>    | 17/09/2008 |                         |
| Committee opinion                                               | <div>ECON</div>                                                                                                      | <a href="#">PE411.953</a>    | 08/10/2008 |                         |
| Amendments tabled in committee                                  |                                                                                                                      | <a href="#">PE414.209</a>    | 16/10/2008 |                         |
| Committee report tabled for plenary, 1st reading/single reading |                                                                                                                      | <a href="#">A6-0452/2008</a> | 18/11/2008 |                         |
| Text adopted by Parliament, 1st reading/single reading          |                                                                                                                      | <a href="#">T6-0572/2008</a> | 04/12/2008 | <a href="#">Summary</a> |
| European Commission                                             |                                                                                                                      |                              |            |                         |
| Document type                                                   | Reference                                                                                                            |                              | Date       | Summary                 |
| Legislative proposal                                            | <a href="#">SEC(2007)1731</a><br> |                              | 11/01/2008 | <a href="#">Summary</a> |
| Commission response to text adopted in plenary                  | <a href="#">SP(2009)402</a>                                                                                          |                              | 29/01/2009 |                         |

| Additional information |          |      |
|------------------------|----------|------|
| Source                 | Document | Date |
| European Commission    | EUR-Lex  |      |

## EC/Korea agreement: cooperation on anti-competitive activities

2008/0004(CNS) - 11/01/2008 - Legislative proposal

**PURPOSE:** to conclude an Agreement between the Republic of Korea and the European Community concerning co-operating on anti-competitive activities.

**PROPOSED ACT:** Council Decision.

**BACKGROUND:** both the Republic of Korea and the European Community recognise that the world's economies are becoming increasingly interrelated. Both share the view that the sound and effective enforcement of competition law is a matter of importance to the efficient operation of their respective markets, as well as to the economic welfare of consumers.

**CONTENT:** bearing the above in mind, the purpose of this proposal is to conclude an Agreement between the Republic of Korea and the European Community concerning cooperating on anti-competitive activities. The stated purpose of the Agreement is to contribute to the effective enforcement of competition laws of each party by promoting cooperation and coordination between the competition authorities of both Parties and to avoid, or at least lessen, the possibility of conflicts between the Parties in all matters pertaining to the application of competition.

In summary, the main provisions being proposed are:

**Notification:** The competition authority of each Party will notify the competition authority of the other Party, on enforcement activities that may affect the other Party. This may include, for example, enforcement activities involving a national of the other Party and/or activities involving a company based in either country.

**Enforcement cooperation:** The competition authority of each Party will offer assistance to the competition authority of the other Party, to the extent that it is consistent with the laws and regulation of the Party concerned. Thus, the authorities should: inform the other authority of all enforcement activities involving anti-competitive activities; provide the other authority with any significant information within its possession and that comes to its attention about anti-competitive activities; and provide the other Party, upon request, with information within its possession that is relevant to the enforcement activities of the competition authority of the other Party.

**Coordination of enforcement activities:** Both Parties agree to pursue enforcement activities on related matters. For example, they will consider the coordination of their activities. They agree to take account of: the effect of coordination on the ability of the authorities to achieve their objectives; the ability of the authority to obtain information; the need to avoid conflicting obligations and unnecessary burdens; and the opportunity to make more efficient use of their resources through coordination.

**Conflict avoidance (Negative Comity):** Both Parties agree to consider the important interests of the other Party throughout all phases of their enforcement activities – including decisions to begin activities; the scope of enforcement activities and the nature of sanctions or other relief sought in each case.

**Positive Comity:** Should the authority of one Party consider that anti-competitive activities carried out in the territory of the other Party adversely affects important interests of the former Party, it may request that an enforcement activity be initiated.

**Confidentiality:** Neither Party is required to divulge information to the other Party if it is prohibited by the laws and regulations of the Party processing the information or if it would be incompatible with its important interests.

**Meetings:** The two authorities will meet at least once a year: to exchange information on matters of common economic interest and to discuss policy issues of mutual interest.

**Existing law:** Nothing in the Agreement will require a Party to take any action that is not consistent with its existing laws or future laws or enquire any change in the laws of the Parties.

## EC/Korea agreement: cooperation on anti-competitive activities

2008/0004(CNS) - 16/02/2009 - Final act

**PURPOSE:** to conclude an Agreement between the Republic of Korea and the European Community concerning co-operating on anti-competitive activities.

**LEGISLATIVE ACT:** Council Decision 2009/586/EC relating to the conclusion of the Agreement between the European Community and the Government of the Republic of Korea concerning cooperation on anti-competitive activities.

CONTENT: given the increasingly pronounced international dimension to competition problems, international cooperation in this field should be strengthened, bearing in mind that the sound and effective enforcement of competition laws is a matter of importance to the efficient operation of the markets and to international trade.

At the same time, elaboration of the principles of positive comity in international law and implementation of those principles in the enforcement of the competition laws of the Community and South Korea are likely to increase the effectiveness in their application. To this end, the Commission has negotiated an Agreement with the Government of the Republic of Korea regarding the application of the competition rules of the Community and South Korea.

Given that the Agreement includes mergers and acquisitions which are covered by Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the EC Merger Regulation), which in turn is based essentially on Article 308, this Decision should also be based on that Article.

By adopting this Decision, the Council approves the Agreement between the European Community and the Government of the Republic of Korea concerning cooperation on anti-competitive activities. The text of the Agreement is attached to the Decision.

ENTRY INTO FORCE: the Agreement shall enter into force on the date when the Parties exchange written notifications that their respective legal requirements for the entry into force of this agreement have been fulfilled.

## EC/Korea agreement: cooperation on anti-competitive activities

2008/0004(CNS) - 04/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 536 votes to 10 with 39 abstentions, under the consultation procedure, a legislative resolution amending the proposal for a Council decision on concluding the Agreement between the Government of the Republic of Korea and the European Community concerning cooperation on anti-competitive activities.

The report had been tabled for consideration in plenary by David **MARTIN** (PES, UK) on behalf of the Committee on International Trade.

Parliament added two new recitals as follows :

- as mutual recognition of competition law between the European Community and South Korea is the most efficient way to tackle anti-competitive behaviour, the use of trade defence instruments (TDIs) between the two parties should be minimised;
- this Agreement should be considered in the context of the overall framework of existing agreements between the European Community and the Republic of Korea and those currently under negotiation, in particular the negotiations concerning a potential free trade agreement.