



Basic information	
2016/0195(NLE) NLE - Non-legislative enactments	Preparatory phase in Parliament
EU/Canada Agreement: application of their competition laws Subject 2.60 Competition 6.20.03 Bilateral economic and trade agreements and relations Geographical area Canada	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ECON	Economic and Monetary Affairs		
	Former committee responsible		Former rapporteur	Appointed
	ECON	Economic and Monetary Affairs	FERBER Markus (EPP)	18/07/2019
	ECON	Economic and Monetary Affairs		
	Committee for opinion		Rapporteur for opinion	Appointed
	INTA	International Trade		
	JURI	Legal Affairs	The committee decided not to give an opinion.	
	Former committee for opinion		Former rapporteur for opinion	Appointed
	INTA	International Trade		
	INTA	International Trade	MORENO SÁNCHEZ Javier (S&D)	23/09/2019
	JURI	Legal Affairs		

	JURI Legal Affairs	LEBRETON Gilles (ID)	24/07/2019
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Competition	VESTAGER Margrethe	

Key events			
Date	Event	Reference	Summary
27/06/2016	Preparatory document	COM(2016)0423 	Summary

Technical information	
Procedure reference	2016/0195(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 103-p1 Treaty on the Functioning of the European Union TFEU 352-p1sub1 Treaty on the Functioning of the European Union TFEU 218-p6a
Stage reached in procedure	Preparatory phase in Parliament

Documentation gateway			
European Commission			
Document type	Reference	Date	Summary
Document attached to the procedure	COM(2016)0421 	27/06/2016	
Preparatory document	COM(2016)0423 	27/06/2016	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

EU/Canada Agreement: application of their competition laws

2016/0195(NLE) - 27/06/2016 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union and the Government of Canada regarding the application of their competition law.

PROPOSED ACT: Council Decision.

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

BACKGROUND: the existing Cooperation Agreement with Canada dates from June 1999 and at that time the exchange of evidence between the parties was not regarded as needed. In the meantime, the bilateral cooperation between the European Commission and the Canadian Competition Bureau has become more frequent and deeper as concerns substance. The absence of the possibility to exchange information with the Canadian competition authority is regarded as a major impediment to effective cooperation.

The proposal derives from a Council mandate of 9 October 2008 in which the Commission was authorised to start negotiations to update the existing Cooperation Agreement between the EU and Canada in competition matters. The purpose is to include provisions which allow the competition authorities of both sides to exchange evidence that they have collected in the course of their respective investigations.

Many worldwide or transatlantic cartels include Canada and via Canada the Commission will get a good opportunity to have access to additional information concerning these cartels.

CONTENT: the Commission calls on the Council to approve, on behalf of the Union, **the Agreement between the European Union and the Government of Canada regarding the application of their competition law.**

The proposed changes to the existing agreement will allow the European Commission and the Canadian Competition Bureau to **exchange evidence which both sides have obtained in their investigations.**

The Parties left the text of the existing agreement in principle unchanged and only added the necessary provisions defining the framework for the **discussion, transmission and use of legally protected information.** The changes also reflect the developments in European data protection law since the entry into force of the agreement.

More specifically, the proposed Agreement:

defines the notion of "information obtained by investigative process" which will be subject to the newly agreed exchange mechanism;

- lays down the circumstances and conditions for the exchange of information;
- sets out confidentiality obligations and the conditions under which the information transmitted can be used by the receiving party: the draft Agreement stipulates that: (i) the information can only be used for the purposes specified in the request and for the purpose of applying the competition rules by the receiving authority; (ii) no information transmitted under the Agreement shall be used to impose custodial sanctions on individuals;
- regulates the communication of documents between the Commission and the national competition authorities of the Member States and between the Commission and the EFTA Surveillance Authority.

Taking account of the number of changes, it is provided that the proposed Agreement shall supersede the existing 1999 Agreement.