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Response by the Council of the Danish Bar and Law Society to the public consultation on review of competition rules for horizontal cooperation agreements

This document represents the response by the Council of the Danish Bar and Law Society to the public consultation on review of competition rules for horizontal cooperation agreements published by the European Commission on 4 May 2010.

We welcome the opportunity to comment on the Draft Guidelines on horizontal cooperation agreements. This is a very complex area of competition law and clear guidance is of utmost importance in order to safeguard legal predictability for the companies. Together with the guidance given in the Guidelines on maritime transport services (Commission Guidelines on the application of Article 81 of the EC Treaty to maritime transport services) this gives better guidance for the companies. The Draft Guidelines, however, appear somewhat restrictive on certain points.

In order to be more practically useful for the companies – and not merely legal practitioners – we recommend that more detailed and practical examples be included in the final Guidelines in order for companies to be better able to carry out the necessary self-assessment of their agreements' compatibility with Article 101 TFEU, thereby leading to enhanced legal certainty.

Yours sincerely

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