

ICA: Notice on cooperation agreements between businesses within the framework of the coronavirus emergency

PRESS RELEASE



Following the crisis caused by the spread of COVID-19 and the needs of the production system to cope with it, the Autorità Garante della Concorrenza e del Mercato (Italian Competition Authority) - like other European antitrust commissions - provided informal indications dealing with the compatibility with the competition law of cooperation agreements strictly related to the emergency phase.

On this purpose, on the 22nd of April 2020, the Italian Competition Authority approved a Communication, now available on the Authority's

website (www.agcm.it), explaining the general criteria for the assessment of cooperation agreements to tackle the problems linked to the shortage, distribution and transport of essential goods and services in the emergency phase, in particular in the pharmaceutical, agri-food and health sector. Consequently, these agreements can only be temporary.

Given the exceptional nature of the situation, the indications will not set a precedent. Indications will be provided informally or, at the Authority's discretion, through *comfort letters* relating to the compatibility of each specific cooperation project with Law no. 287/90.

At the same time, the Italian Competition Authority will not tolerate any conduct which opportunistically seeks to exploit the crisis. Therefore, it will not be tolerated any kind of misuse of this exceptional procedure aimed at using the crisis as a "cover" for non-essential restrictions, such as price fixing or the exchange of commercially sensitive information.

This new procedure will be operational as from 24 April 2020. Any request for information can be sent to the following email address: accordi-cooperazione-COVID@agcm.it (mailto:accordi-cooperazione-COVID@agcm.it).

Rome, 24 April 2020