



20. juni 2022

Danish Government response to the call for contributions on the Commissions consultation on an update of the Informal Guidance Notice

The Danish Government appreciates the opportunity to comment on the call for contributions on the Informal Guidance Notice.

There is a growing demand for advice on how to assess agreements in relation to the antitrust rules, especially when it comes to issues related to sustainability. More clarity is needed on how businesses can design sustainability agreements without infringing the competition rules.

In order to avoid divergent approaches at national level it is important that cooperating undertakings and EU-competition authorities apply the same interpretation of the EU-competition rules. As a starting point, clarification should therefore primarily be given in the form of EU-general policy guidelines such as the Commission's Horizontal and Vertical Guidelines or in similar forms.

The Danish Government recognizes, however, that such general guidelines will not always suffice in relation to all questions that may arise on novel areas.

Therefore, the Danish government supports the general objective of this call in order to give the Commission better possibilities to provide guidance to individual businesses in case of genuine uncertainty on aspects of competition law and, for the time being, especially questions related to sustainability agreements.

Since such guidance will become publicly available, it will be to the benefit of businesses in general. In addition, such guidance, given at Commission-level, will help to ensure uniform enforcement of the EU-competition rules.