

## EU-UK Competition Cooperation Agreement signed

On 25 February 2026, the European Commission (the **Commission**) and the United Kingdom finally signed the much anticipated [EU-UK Competition Cooperation Agreement](#) (the **Agreement**). Signing of the Agreement marks a significant milestone in the two parties' post-Brexit relationship, being the first "supplementing agreement" to the EU-UK Trade and Cooperation Agreement (the **TCA**) of December 2020.

While the Agreement deals with the rather technical matter of formalising the framework for cooperation on competition matters between European competition authorities and their UK counterpart, it has been given significant importance by the UK Government that is keen to reset the often strained relationship with the EU and its Member States since Brexit, in favour of a closer "strategic partnership". The Agreement is thus being held up as a pointer to closer cooperation on a wide range of other matters in the future. As such, it is notable that signing was carried out by the UK Secretary of State for Business and Trade, Peter Kyle, and Commission Executive Vice President Teresa Ribera at a high profile ceremony in Brussels.

### **Background and Procedure**

Since Brexit, the UK's Competition and Markets Authority (the **CMA**) and the Commission have frequently aligned their investigative timelines and have tried to maintain a professional rapport. However, they lacked a formal framework for cooperation and operational coordination. The Agreement is intended to remedy this. Indeed, the stated aim of the Agreement is to facilitate consistency in approaches and thereby increase predictability and legal certainty across Europe.

Although the TCA – which entered into force on 1 May 2021 – provided for the negotiation of a competition cooperation agreement between the EU and the UK, ongoing political disagreements over the TCA's implementation delayed progress. The European Council was finally able to authorise the Commission to open negotiations with the UK on 8 June 2023. These proceeded relatively smoothly and concluded in October 2024. The Commission then proposed the text of the Agreement on 19 May 2025. Although the final signed Agreement is not yet available, it presumably follows the proposed text.

In terms of next steps, the Council of the EU still needs to adopt a decision to conclude the Agreement, which will also require the consent of the the European Parliament. The UK, for its part, will also need to finalise its ratification procedures. The timing for this is currently unclear but no major issues are anticipated.

### **Agreement**

The Agreement specifically concerns cooperation in antitrust and merger control investigations and proceedings. As a result, it does not cover cooperation on technology regulation matters under the EU Digital Markets Act or the UK Digital Markets, Competition and Consumers Act 2024 or on consumer protection cases.

Specifically, the Agreement provides for:

- **Mutual notification** – competition authorities are required to promptly notify one another of investigations/proceedings that are *“likely to affect the important interests of the other”*.
- **Coordinated enforcement** – competition authorities may agree to coordinate investigations/proceedings.
- **Negative comity** – competition authorities must, in carrying out investigations/proceedings, give *“careful consideration to each other’s important interests”*, as well as *“accommodate”* these interests to avoid adversely affecting them.
- **Information sharing** – competition authorities may share information among themselves in the context of competition investigations/proceedings, where *“lawful under applicable domestic law, including that on confidentiality and data protection.”*

### **Key takeaways**

As observed by Executive Vice President Ribera at the signing ceremony, the Agreement is noteworthy and indeed novel in that it not only provides for cooperation between the Commission and the CMA, but also between the CMA and Member States’ national competition authorities. The Agreement thus addresses the decentralised reality of enforcement across the EU, allowing for more effective cooperation and regulatory cohesion across Europe as a whole.

The Agreement provides for confidential information sharing between the CMA and European authorities (including the EFTA Surveillance Authority) in the context of antitrust and merger control investigations/proceedings. Such information sharing is primarily governed by domestic law. Notably, the Agreement explicitly does not require consent of the persons that provided the information *“to the extent that the sharing of that information without consent is permitted by applicable domestic law.”* Accordingly, while in most cases consent will be sought, it will be interesting to see how the confidential information sharing provisions will be implemented in practice where consent has not been provided.

It should be noted in this context that the UK Enterprise Act 2002 (section 243C) was amended in May 2024 to permit disclosure of confidential information to an overseas authority under designated cooperation arrangements, anticipating the Agreement. This indicates that the CMA has the necessary statutory basis to share information with European authorities in the absence of consent from the provider of the information. European authorities may, however, be more constrained than the CMA, given the strict approach to data protection of certain Member States.

As with so much concerning Brexit, the best available solution is asymmetric – in terms of the benefits to the UK – and falls short of the seamless integration enjoyed when the UK was a Member State. Nevertheless, the Agreement is an important and welcome development in that it replaces ad hoc and informal dialogue with a structured legal framework for cross-border cooperation, which should reduce the risk of conflicting rulings and foster a more predictable, cohesive application of competition laws across Europe.

### **KEY CONTACT**



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