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Justice Department and Federal Trade Commission Seek Public Comment for Guidance on Business Collaborations

Agencies Launch Joint Public Inquiry for Consideration of Guidance on Collaborations Among Competitors to Promote Certainty and Competition

Today, the Department of Justice’s Antitrust Division and the Federal Trade Commission (FTC) launched a joint public inquiry regarding potential additional guidance on collaborations among competitors. The joint inquiry seeks input on the value and potential content of guidance concerning the range of collaborations utilized to drive innovation and promote competition in the modern economy.

This public inquiry will help the Antitrust Division and FTC (together, “the Agencies”) with their effort to develop up-to-date guidance to the business community, building on the previous [2000 Antitrust Guidelines for Collaborations Among Competitors](#) (“2000 Collaboration Guidelines”). The guidelines explain how the Agencies analyze various antitrust issues raised by such collaborations. The 2000 Guidelines were [withdrawn](#) in December 2024.

“Vigorous and effective enforcement can only exist when the rules of the road are clearly outlined,” said Acting Assistant Attorney General Omeed A. Assefi of the Justice Department’s Antitrust Division. “Procompetitive collaborations are not only permissible but also encouraged in a complex and dynamic economic environment. The abrupt withdrawal of the prior guidelines left stakeholders without guidance in this important area. Replacing the withdrawn guidelines is key to promoting certainty, allowing American businesses to work together effectively and lawfully, and enabling the private antitrust bar to enhance compliance in this area.”

“In an everchanging economy, businesses need transparency and predictability from enforcers more than ever. These times may require the federal government to update its guidelines,” said FTC Chairman Andrew N. Ferguson. “The previous administration decided, at the 11th hour, however, to withdraw the 2000 Antitrust Guidelines for Collaborations Among Competitors. This decision, made entirely out of spite and resentment, left millions of businesses in the dark.”

Many collaborations and joint ventures among competitors are procompetitive and benefit the economy and consumers by allowing expansion into new markets, enabling investment into innovation, and lowering production and other costs. However, some collaborations carry

potential risk to competition. The 2024 withdrawal of the prior guidelines left the industry without guidance in this important area.

In recent years, new types of competitor collaborations, joint ventures, and alliances, including those facilitated by new technologies, have led to increased requests for clarity regarding their treatment under the antitrust laws.

Some of the specific areas of inquiry on which the Agencies are seeking public input and information include:

- What topics would benefit from additional guidance—for example, joint licensing arrangements? Conditional dealing with competitors? Other topics?
- What new technologies and business models would benefit from additional guidance—for example, algorithmic pricing, information and data sharing, or labor collaborations?
- What significant legal, economic, or technological developments should be considered in any revisions to the prior competitor collaboration guidelines?

The public comments will help enforcers to consider reintroducing guidance built on the prior guidelines. Such guidance will provide businesses with the predictability and confidence they need to collaborate and grow while avoiding anticompetitive conduct that risks raising prices or stifling innovation. The guidance will help increase antitrust compliance by guiding the market on antitrust law and policy in this important area. An unfettered free market safeguards competition to the benefit of the American people.

Comments, no longer than 18 pages each, can be submitted at www.Regulations.gov (Docket No. ATR-2026-0001) and must be received **no later than April 24, 2026**. The information will be used by the Agencies to consider updated guidance.