

## UNITED STATES OF AMERICA Federal Trade Commission

WASHINGTON, D.C. 20580

## **Dissenting Statement of Commissioner Melissa Holyoak**

Withdrawal of 2000 Antitrust Guidelines for Collaboration Among Competitors, Commission File No. V250000

## **December 11, 2024**

The Majority's decision to withdraw the 2000 Antitrust Guidelines for Collaborations Among Competitors ("Collaboration Guidelines") without providing any replacement guidance, or even intimating plans for future replacement, leaves businesses grasping in the dark. As if that was not problematic enough, the Majority is withdrawing the Collaboration Guidelines right after an administration-changing election, further compounding today's poor policy decision. The Majority had four years to address its concerns with the Collaboration Guidelines—now is not the time. I dissent.

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<sup>&</sup>lt;sup>1</sup> Commissioner Bedoya argues that we are not leaving businesses in the dark because the withdrawal statement invites businesses to "review the relevant statutes and caselaw to assess whether a collaboration would violate the law." Statement of Commissioner Alvaro M. Bedoya Regarding the Withdrawal of the Antitrust Guidelines for Collaborations among Competitors, No. V250000 (Dec. 10, 2024) (quoting Fed. Trade Comm'n & U.S. Dep't of Justice, *Justice Department and Federal Trade Commission Withdraw Guidelines for Collaboration Among Competitors* (Dec. 11, 2024)). For this argument to hold, it assumes (1) that all businesses have antitrust lawyers on speed dial and (2) that all the Commission's guidance documents are unnecessary (*e.g.*, 2023 Merger Guidelines, Section 5 Policy Statement) because businesses always have statutes and caselaw that they can review. I disagree with both of these premises, and I suspect Commissioner Bedoya does as well.