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Abstract
In this contribution, we first survey both the legal standard and the received economic theory on communication in industries in which a cartel operates. We notice a strong tension between on the one hand the *per se* illegal nature of communication on price fixing, which moreover even is considered to be "proof" of the existence of a cartel, and the economic foundations of communication on the other hand. Further, we focus on industries that are potentially not in full collusion, but rather have partial cartels and then reconcile the legal and economic views to some extent. However, in the recent Bananas decision, we show by the preliminary analysis of a simple economic model that the Commission in his legal standard further moves away from the received economic analysis, by illustrating under what conditions communications make sense. The complement is that we can show a number of conditions for which the antitrust authority is likely to make mistakes when following its current doctrine.

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