

## AMENDMENT FORM

### Suggestion for amendment of Article 47

#### Suggestion for Part: III

By Ms / Mr :            **G.M. de Vries**  
                                 **T.J.A.M. de Bruijn**

Status :            **Member**                    **Alternate**

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1. The following shall be prohibited as incompatible with the internal market: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may

affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. Paragraph 1 may, however, be declared inapplicable in the case of:

- (a) any agreement or category of agreements between undertakings;
- (b) any decision or category of decisions by associations of undertakings;
- (c) any concerted practice or category of concerted practices

which contributes to

improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (i) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (ii) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

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#### Explanation (if any):

It should be clear that the conditions which are specified under (c) also apply to (a) and (b). Therefore the layout under (c) should be similar to the layout of the Nice Treaty.

