

AMENDMENT FORM

Suggestion for amendment of Article : Article III-47, 3 (ex Article 81)

By Ms: Helle THORNING-SCHMIDT

Status : Alternate

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, economic or *environmental 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.
-

Explanation (if any) :

Cooperation between companies with an explicit environmental objective, for example green procurement systems between companies should be allowed.