	Competition and Markets Authority (CMA)	European Commission	Netherlands Authority for Consumers and Markets (ACM)	Hellenic Competition Commission (HCC)
Title	Draft guidance on the application of the Chapter I prohibition in the Competition Act 1998 to environmental sustainability agreements	The sustainability Chapter in the European Commission draft revised Horizontal Block Exemption Regulations and Horizontal Guidelines (the "EC Guidelines")	Draft Guidelines on sustainability agreements ("ACM Guidelines")	Staff Discussion Paper
Type of agreements addressed	Agreements aimed at preventing, reducing or mitigating the adverse impact of economic activities on environmental sustainability. Agreements which pursue broader societal objectives (i.e., Improving working conditions) are outside the scope.	The broader scope for "sustainability" goes further than only environmental initiatives to cover social objectives (i.e., labour and human rights).	A broad concept that may include the protection of the environment, biodiversity, climate, public health, animal welfare, fair trade, working conditions, and human rights.	HCC plans to issue general guidelines to clarify under what conditions the private sector can take cooperative action to promote the achievement of sustainability goals.
Assessment of "fair share of benefits"	The assessment of benefits is not restricted to a specific market but can be assessed by reference to a larger group of beneficiaries or to UK society as a whole, including consumers outside the relevant market. Benefits can include future and current benefits that accrue to direct and indirect users (not just the direct customers but also those who purchase from those customers).	Consumers receive a fair share of the benefits where benefits deriving from the agreement outweigh the harm caused. Overall effect on consumers in the relevant market must be at least neutral. Narrow scope given sustainability agreements should lead to a direct or indirect benefit to consumers paying for the goods or services rather than the broader general public.	In environmental-damage agreements benefits to society as a whole may be weighed against disadvantages to users. Benefits must also support an international or national standard binding upon the government.	Currently unclear.
Immunity from fines	Fines against parties that implement an agreement discussed with the CMA in advance and where the CMA did not raise any competition concerns will not be issued.	The Commission does not deal with possible immunity from fines.	No fines for: (i) sustainability agreements discussed with the ACM in advance; and (ii) sustainability agreements reached following these Guidelines in good faith.	The HCC will not impose fines and sanctions if the arrangements form part of the 'sandbox'.
Special nomenclature used or new developments	1. **Environmental sustainability Agreements.** Agreements between competitors or potential competitors concerning environmental sustainability. 2. **Climate Change Agreements.** Agreements which combat or mitigate climate change. The CMA indicate that there will be a more permissive approach regarding climate change agreements (agreements which contribute towards the UK's binding climate change targets under domestic or international law).	1. **Individual use value benefits**. Direct benefits are related to the intrinsic characteristics of a product. 2. **Individual non-use value benefits (indirect qualitative benefits).** Parties seeking a 101(3) TFEU exemption would rely heavily on consumer feedback and need to demonstrate consumers are willing to pay more for the products' beneficial impact on others or the environment. 3. **Collective benefits.** These can be considered only where consumers in the relevant market substantially overlap with or are part of the beneficiaries outside the relevant	**Environmental-damage agreements** refers to agreements which aim to improve production processes that cause harm to humans, the environment and nature.	**Sustainability "sandbox" of competition law** for the industry to experiment with new business formats to achieve sustainability goals more quickly and efficiently, involving cooperation between competing firms or even more permanent changes in market structure.

Comfort letters	In keeping with the CMA's open-door policy, the CMA may provide comfort letters to businesses if they approach the CMA to discuss if their agreement fits with what is stated in the Draft Guidance.	In the recent car emission's case (Daimler, BMW and VW Group), the Commission accompanied its prohibition decision with a letter incorporating guidance on aspects that do not raise competition concerns.	Comfort letters issued include the following: 1. Permitting Shell and TotalEnergies to collaborate in the storage of CO_2 in empty natural-gas fields in the North Sea. 2. Permitting soft-drink suppliers, including Coca-Cola, Vrumona and supermarket chains, to make arrangements regarding discontinuing plastic handles on all soft drink and water multipacks. 3. Approving arrangements between garden centres aimed to curtail the use of illegal pesticides. 4. Approving two initiatives where competitors work together in the energy sector.	It would be possible for the HCC to recognise that agreements submitted by companies in the sandbox that meet specific assessment criteria do not raise competition concerns.