

The Belgian Competition Authority publishes its guidelines on sustainability agreements

The Belgian Competition Authority (BCA) has today published its guidelines on sustainability agreements. These guidelines clarify how companies can cooperate in pursuit of sustainability objectives without infringing competition rules.

The first part of the guidelines sets out the general principles applicable to the assessment of sustainability agreements under competition law. In order to facilitate the development and implementation of such agreements, this first part: (i) identifies sustainability agreements that are unlikely to restrict competition; (ii) clarifies the rules that must be complied with by agreements aimed at establishing common sustainability standards; and (iii) explains under which conditions sustainability agreements that restrict competition may nevertheless qualify for an exemption. To this end, the guidelines contain a series of illustrations intended to assist companies in their risk assessment and in structuring their joint sustainability initiatives.

The second part of the guidelines addresses the specific rules applicable to sustainability agreements in the agricultural sector. In particular, it clarifies in which circumstances companies may benefit from an exemption under Article 210bis of the European CMO Regulation (Common Market Organisation). The objective is, in particular, to support agricultural actors in achieving environmental objectives, reducing the use of pesticides and improving animal health and welfare.

Finally, the third part of the guidelines explains the possibilities available to companies to obtain additional legal certainty regarding the compliance of their sustainability agreements with competition law, for example by seeking guidance from the BCA.

The guidelines on sustainability agreements are available on the BCA's website: [Guidelines on sustainability agreements | Belgian Competition Authority](#).

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The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)