

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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THE INTERTWINED LANDSCAPE OF COMPETITION LAW AND SUSTAINABILITY: CHALLENGES, OPPORTUNITIES AND THE PATH FORWARD

AUTHORED BY - BHAIRAVI

I. INTRODUCTION

The urgent global issues of climate change and environmental degradation have served to put in sharp relief the important role that businesses need to play in the creation of a sustainable future¹. In turn, many organizations are actively leading the charge in establishing sustainability norms and standards for sustainable operations and supply chains². Nevertheless, such cooperative efforts, which seek to reduce environmental footprint, tend to overlap with the domain of competition law, raising important questions about their synergy. Others contend that collaborations of this type may crush competition by the chances of higher prices and hurtful consumers³. By contrast, a growing number of competition authorities realize the value in taking environmental sustainability and climate abatement goals into account in judging prospective anti-competitive arrangements. This comes with the knowledge of the realization that governmental efforts aimed at curbing climate change will require certain cooperation among enterprises in order to ensure⁴.

This paper explores the complex interplay between sustainability and competition law, and distinguishes useful corporation from “GREENWASHING”. In addition, this article also examines how has ICC defined sustainability? And what is the legal framework assessing sustainability and competition law in India including the green channel approval.

II. The Shifting Terrain: Competition Law's Interaction with Environmental Sustainability

Competition law historically has concentrated on barring anti-competitive agreements and practices adverse to consumers by way of increased prices, diminished choice, or innovation stranglehold within established economic markets⁵. With the increasing imperative of environmental issues, this conventional priority i.e the traditional focus is to be reassessed⁶. The has been an emerging consensus between policymakers and competition authorities that

environmental sustainability is an imperative social goal that has intersections with and, in certain situations, must influence the enforcement of competition law⁷.

1. The Potential Conflict: Sustainability Agreements and Anti-Competitive Concerns

Sustainability agreements typically mean different types of co-operation between competing companies with the ultimate goal of attaining environmental and social sustainability goals⁸. These goals range from being diverse and include reducing environment-related impacts such as climate change, pollution, and conservation of natural resources to promoting social goals such as promotion of human rights, ensuring decent working conditions (such as a living income), greater welfare for animals, and development of resilient infrastructure and innovation⁹. The term sustainability itself is wide-ranging, sometimes defined as “satisfying current demands at the expense of not sacrificing future generations and reconciling environmental conservation with social and economic growth”¹⁰.

Coalitions among corporations to reach the objectives of sustainability can have differing forms, from buying low-carbon inputs collectively, shutting down dirty manufacturing procedures, turning toward electric cars, or abstaining from financing manufacturers of fossil fuel. These campaigns have high value in reducing ecological harm, although they may well be used to disguise anti-competitive activities as well¹¹. For example, commitments to improve environmental standards could effectively increase costs for all participants, potentially resulting in higher prices for consumers, a traditional competition law concern. Additionally, such arrangements may harm smaller competitors or raise barriers to entry for new, potentially more environmentally friendly, competitors¹². The fear of such unforeseen anti-competitive effects has caused some firms to forego potentially useful sustainability projects because of the perceived threat of legal challenge. This "chilling effect" highlights the necessity for more clarity and direction from competition authorities¹³.

As these agreements have the potential to limit significant parameters of competition, for example, price, quantity, quality, choice, or innovation, particularly when they result in increased production or distribution costs, ultimately being transmitted to consumers. There is also the risk that companies will abuse sustainability targets as an excuse for practicing forbidden cartel-type activity—like price-fixing, production limits, or market sharing—disguised as environmental stewardship, a trend sometimes referred to as the "greenwashing" of anti-competitive practice¹⁴. Competition authorities are thus charged with preventing

sustainability goals from serving as a shield for illegal collusion. At its core is a challenge of how to reconcile the potential long-term environmental and social benefits of sustainability agreements with their short-term anti-competitive implications¹⁵.

This is especially tricky in conventional antitrust systems that aim to maximize consumer welfare, generally defined in terms of price and efficiency effects rather than more general social or intergenerational ones. Besides, although collaborative processes can encourage innovation in sustainable technology or practices, they can as well stifle technological progress or inhibit the incorporation of stricter environmental standards, and thus hurt competition in the future¹⁶.

III. The Role of Competition Law: Facilitating or Hindering Sustainability?

The essence of the conflict is to make sure that competition law enables, not hinders, true moves towards environmental sustainability. This entails making clear when sustainability agreements will not be harmful to competition and when possible impediments to competition may be legitimate because of overriding environmental gains¹⁷.

A. Sustainability Agreements Not Harmful to Competition

Certain sustainability agreements do not fall under the jurisdiction of antitrust laws at all since they do not limit competition¹⁸. Examples would be arrangements that do not lay individual obligations on the involved parties, which can make use of sustainable practices based on their own capacity. Agreements promoting true market creation, which would be like the collaborative development of cleaner technologies, are usually also non-restrictive¹⁹. In addition, agreements that heighten product or service differentiation on the basis of sustainability features will in fact intensify competition by providing consumers with additional options²⁰.

B. Exemptions for Restrictive Sustainability Agreements

Even if a sustainability agreement can limit competition, it may qualify for exemption under specified circumstances, as is the case with exemptions for agreements for technical or economic progress. Both the Treaty on the Functioning of the European Union (TFEU)²¹ and Indian Competition Act, 2002²², have exemption provisions for agreements that enhance

production or distribution, technical or economic development, and make sure consumers receive a proper shares of resulting benefits.

It can be imperative for sustainability agreements that these exemption conditions are interpreted. A broader interpretation acknowledging environmental gains as advancing technical, economic, and scientific development, and viewing the greater public benefit as a "fair share" for consumers (future generations included), would better encourage sustainable cooperation²³. The precedent for such a broader interpretation can be found in the CECED washing machine case in the EU, where enhancing the environment was recognized as advancing technical and economic development²⁴.

C. Distinguishing Useful Cooperation from "Greenwashing"²⁵

One of the most important challenges for competition authorities is to distinguish between real sustainability agreements that bring concrete environmental gains and agreements that employ the "cloak of sustainability"²⁶ to hide anti-competitive conduct, a practice commonly known as "greenwashing". The example of Daimler, BMW, and Volkswagen Group in the EU, where cooperation in nitrogen di-oxide cleaning technology resulted in cartelization by not using their complete technical potential to prevent competition, is a stark reminder of this danger²⁷.

Strong evaluation methods, transparency obligations, and competition authorities' willingness to examine the true environmental impact of asserted sustainability efforts are necessary to avoid greenwashing²⁸. Contracts that clearly push competitors out of business on purely non-environmental grounds or that achieve very little in environmental terms in exchange for substantial limitations on competition need to be closely examined²⁹.

IV. Competition Law as a "Sword" and a "Shield" for Sustainability

The International Chamber of Commerce (ICC) suggests considering competition law as a "sword" to attack unsustainable behavior and as a "shield" to defend legitimate sustainability initiatives³⁰.

A. The "Sword": Applying Anti-Monopoly Powers Against Unsustainable Behavior

Abuse of dominance or anti-monopoly rules can be employed to combat unsustainable behavior by dominant companies as abuses of their market power³¹. Since large, dominant firms tend to have a large environmental impact, using these legal instruments can be an effective means of combating harmful behavior. The definition of what is an "abuse" is not fixed and must change

to keep up with contemporary economic, social, and environmental concerns, such as the struggle against climate change³².

Such unsustainable acts as disposing of toxic substances, incinerating poisonous refuse, or destroying key ecosystems may be seen as abusive acts, particularly if undertaken by large dominant companies, as these fall short of "competition on the merits"³³ and have enormous negative externalities imposed upon society. Additionally, if a dominant firm can sidestep the expense of proper waste disposal, thereby achieving a competitive advantage over its competitors who do pay these expenses, this would constitute both an exclusionary and exploitative abuse of dominance³⁴.

A number of recent cases show the increasing readiness of competition authorities to take environmental considerations into account in abuse of dominance investigations. For instance, in the Google/Enel X case³⁵ in Italy, environmental harm was used as an aggravating circumstance when a fine was imposed on Google³⁶.

B. The "Shield": Sustainability Considerations in Abuse of Dominance Investigations

In contrast, sustainability considerations must also be a "shield" for investigations of alleged abuse of dominance³⁷. Large dominant firms tend to possess resources and capabilities to contribute substantially to a sustainable economy, and competition authorities must exercise caution not to dissuade such initiatives by incorrectly labeling them as abusive³⁸. If conduct by a dominant firm is truly aimed at combating climate change, reducing environmental harm or otherwise benefitting sustainable development, it may not amount to an abuse of dominance to start with, particularly where there is a proportionate reason for the conduct³⁹.

For example, different pricing according to the environmental goodness of downstream utilization of a good might be an acceptable method to subsidize clean production and shouldn't be labeled discriminatory pricing outright. Likewise, partnerships to make environmental gains could provide an "objective justification" for behavior potentially otherwise characterized as limiting⁴⁰. Including environmental considerations in the "constitutional" provisions of legal systems, as in the EU, makes the argument for treating sustainability as a valid justification even more compelling⁴¹.

V. Legal Framework in India: Assessing Sustainability and Competition

Law

The existing legal regime within India's Competition Act, 2002—Section 3—does not offer

sufficient recognition for green or sustainability agreements that facilitate cooperation between enterprises for greater societal and environmental ends⁴². Conventionally, Indian competition law has approached cooperation among competitors with skepticism, too often considering such associations as per se anti-competitive. This makes horizontal collaboration undesirable even when such cooperation is geared towards securing significant sustainability objectives⁴³. Collaborative action on carbon emission reduction or green technology development, for instance, should be considered as part of India's sustainability agenda and not a contravention of competition norms⁴⁴.

I. India's "Green Channel"⁴⁵: Speeding Up Approvals for Environmentally Friendly Combinations?

"The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011" were promulgated by the CCI. ("Combination Regulations"), which regulate how the CCI of India notifies, examines, and authorizes "Combinations." Procedures and provisions of the Competition Act and Combination Regulations ensure that any ensuing "Combination" will not cause AAEC on competition in the pertinent Indian market. To acknowledge the desire to simplify the merger and acquisition approval process, which is not likely to cause any competition concerns, the Competition Commission of India (CCI) has introduced the "Green Channel" way in 2019. This avenue is meant to speed up the approval of combinations that, after a self-evaluation by the notifying parties, are found to fulfill certain criteria that signal the non-existence of any appreciable adverse effect on competition (AAEC). Combinations eligible for the Green Channel are considered to be automatically approved when notified⁴⁶. This is pursuant to the intention of providing a swift, transparent, and accountable examination of combinations. The Competition (Amendment) Act, 2023 added new Sections 6(4) and 6(5), which include statutory underpinning for fast-track approval systems—like the Green Channel—for particular types of combinations, on condition of future notification and regulation.

In contrast with the normal examination process, the parties availing themselves of the green channel mode are not subject to maintaining any standstill obligations post-filing the notification as they are deemed satisfied⁴⁷.

The streamlining is achieved through a clearly defined set of criteria that a combination must satisfy to be eligible for this route. As specified under Rule 3(1) of the Green Channel Rules, a

combination can be submitted under the green channel if the parties concerned, along with their group entities and affiliates, have no Horizontal Linkages (i.e., they do not manufacture or supply similar, identical, or substitutable goods or services). In addition, they must have no Vertical Linkages (i.e., they do not participate in activity at alternate stages or levels in the chain of production) or Complementary Linkages (i.e., activities which are complementary to one another)⁴⁸. Notably, in the new rules, presence of even a level of these linkages will debar the combination from taking recourse to the green channel, regardless of market definitions.

To ascertain the existence of these linkages, the rules provide for a two-step process. Step one is to list all group entities and affiliates of both the acquirer and target. The term 'group entities' and 'affiliates' has been defined under Rule 3(2)⁴⁹ of the Green Channel Rules. For example, an affiliate now encompasses any business where a party has 10% or more shareholding or voting rights, the right or ability to have board representation, or the right or ability to access commercially sensitive information⁵⁰. This definition of an affiliate has been extended relative to the earlier rules. The previous conditions, such as the right to exercise any exceptional rights not extendable to a common shareholder, have been abandoned in favor of the condition of access to commercially sensitive information. This widened definition calls for a deeper analysis on the part of the parties in order to plot possible linkages.

The second step in evaluation is the identification of whether there are Horizontal, Vertical, or Complementary Linkages among the involved parties, group entities, or affiliates. Based on the requirement of the clear conditions of a lack of such linkages within the involved parties, the Green Channel Rules aim to reject combinations that cannot be expected to give rise to competition issues and thus could be approved instantly.

Yet, the deemed approval is not final and is still subject to investigation by the CCI. The Commission can launch an inquiry within one year of receipt of the filing. For enforcement and deterrence of incorrect filings, the CCI can declare a green channel notice void ab initio and levy penalties⁵¹ for making incorrect notices. This clause serves as a strong disincentive for parties to do proper due diligence so that they satisfy all the eligibility conditions before availing the green channel option. Parties also have the facility of pre-filing consultation with the CCI to clear any doubts prior to filing their notice.

In effect, the Green Channel Rules seek to simplify combination approvals for low-risk

transactions by offering an advance deemed approval mechanism on the basis of well-defined criteria and a thorough evaluation of linkages involving not only the immediate parties but also their wider network of group entities and affiliates⁵². This decreases the approval waiting times and improves the regulatory process efficiency, subject to the fact that parties carefully evaluate themselves against the strict standards of the regulations.

VI. CONCLUSION

The interaction between competition law and sustainability is challenging but offers real opportunities. Whilst concerns regarding disguised anti-competitive conduct in the guise of green initiatives are justified, it becomes increasingly evident that competition law should adapt to address and accommodate effective collaborations that induce environmental sustainability and climate change prevention.

The historical emphasis of competition law on price and quantity in narrowly defined economic markets must be extended to include the wider social gains of environmental protection and the long-term consequences of unsustainable behavior. Competition authorities are starting to struggle with the intricacies of assessing sustainability agreements, looking to new economic approaches and contemplating modifications to established legal principles. The acceptance of environmental sustainability as a valid goal, one that can justify some types of business collaboration, is an important step.

The "Green Channel" program in India is an effort to rationalize the process of merger review for combinations that are not likely to cause concerns. Its potential is nevertheless stifled at this point by severe eligibility requirements, exposure to high penalties, and requirements for long self-evaluations and pre-filing counseling. Although the intent is commendable, modifications are required so that it can indeed provide speeded-up approvals for combinations that are harmless, such as those with sustainability implications, without engendering disproportionate risk and uncertainty for firms.

In addition, the "sword and shield" strategy suggested by the ICC provides a useful paradigm for considering the place of competition law within sustainability. Abuse of dominance rules can be a strong weapon to target egregious unsustainable conduct by dominant companies, ensuring that market power is not utilized to the disadvantage of the environment. At the same time, sustainability factors must serve as an essential "shield" to prevent proper efforts by firms,

including market-based leaders, to advance environmental objectives from being unfairly sanctioned as anti-competitive.

In the end, a fully integrated connection of competition law and sustainability entails a paradigm shift. Competition agencies need to build the skills and tools to properly assess the environmental value of business partnerships in addition to possible public anti-competitive harm. Better guidance, a more sophisticated enforcement approach, and a willingness to look beyond narrower conceptions of competition welfare, such as environmental sustainability, as an important consideration in competition analysis are necessary. By embracing this changing world, competition law can become a potent driver of innovation, a promoter of sustainable business, and a contributor to a better planet for current and future generations. The paper's original hypothesis is correct: while watchfulness against anti-competitive activity continues to be important, contemporary competition law has to accommodate and promote genuine co-operations that serve environmental sustainability through subtle analysis and, where justified by compelling environmental gains, individual accommodations.

¹ CHANG JUDY, SUSTAINABILITY AND COMPETITION: FRIEND AND FOES? (2023)

² Ibid.

³ Sandra Marco Colino, Antitrust's Environmental Footprint: Redefining the Boundaries of Green Antitrust (2024), North Carolina Law Review, <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=7001&context=nclr>

⁴ Vijay Singh, Aakriti Thakur, Anshuman Sakle, Competition Law Tackling Sustainability Goals: An Analysis of International Practices and Challenges Ahead (2022), National Law Business Law Review, <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1254&context=nlsblr>

⁵ Ankit Srivastava, Tanmay Doneris & Arnav Srivastava, A STUDY ON THE INTERFACE BETWEEN SUSTAINABILITY AND COMPETITION LAW, INDIAN COMPETITION LAW REVIEW Volume 8(1), June 2023

⁶ Ibid.

⁷ CHANG JUDY, SUSTAINABILITY AND COMPETITION: FRIEND AND FOES? (2023)

⁸ Emma KRAMENDONK AND NICK STROUS, SUSTAINABILITY AGREEMENTS BETWEEN (POTENTIAL) COMPETITORS (2024), <https://www.taylorwessing.com/en/insights-and-events/insights/2024/10/sustainability-agreements>

⁹ Karl johan bonnedahl, pasi heikkurinen and jouni paavola, Strongly sustainable development goals: overcoming distances constraining responsible action, environmental science & policy, vol. 129, (march 2022), <https://www.sciencedirect.com/science/article/pii/S1462901122000107>

¹⁰ UN Brundtland Commission 1987.

¹¹ Singh, Vijay; Thakur, Aakriti; and Sakle, Anshuman (2022) "Competition Law Tackling Sustainability Goals: An Analysis of International Practices and Challenges Ahead," National Law School Business Law Review: Vol. 8: Iss. 2, Article 10. <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1248&context=nlsblr>

¹² Sandra Marco Colino, Antitrust's Environmental Footprint: Redefining the Boundaries of Green Antitrust, 103 N.C. L. REV. 135 (2025). <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=7001&context=nclr> ¹³ Taking the chill factor out of climate action A progress report on aligning competition policy with global sustainability goals, ICC (2023), <https://iccwbo.org/wp-content/uploads/sites/3/2022/11/2023-ICC-Progress-report-on-aligning-competition-policy-with-global-sustainability-goals.pdf>

¹⁴ ENVIRONMENTAL CONSIDERATIONS IN COMPETITION ENFORCEMENT, OECD 2021,

https://www.oecd.org/content/dam/oecd/en/publications/reports/2021/11/environmental-considerations-in-competition-enforcement_59cfd88d/2616c43c-en.pdf#:~:text=Examples%20are%20greenwashing%20cartels%2C%20whereby%20companies%20may,the%20one%20of%20sustainable%20quality%20or%20innovation.

¹⁵ How competition policy acts as a barrier to climate change ,COMPETITION POLICY vs SUSTAINABILITY GOALS?, International Chamber of Commerce (2024), <https://iccwbo.org/news-publications/policies-reports/how-competition-policy-acts-as-a-barrier-to-climate-action/#:~:text=Businesses%20can%2C%20need%20and%20want,is%20reaching%20a%20sustainability%20goal.>

¹⁶ Anoop Suri, Competition vs Collaboration: Finding the right balance for organizational Success (2023), <https://www.linkedin.com/pulse/competition-vs-collaboration-finding-right-balance-suri-cha-fih#:~:text=One%20way%20to%20do%20this%20is%20to,if%20it%20is%20not%20balanced%20by%20collaboration.>

¹⁷ Lianos, I., & Katalevsky, D. (2021). Addressing the climate crisis: The role of competition policy and regulation. *CLES Research Paper Series*, University College London.

¹⁸ David Wouters, Sustainability Agreements vs Greenwashing under Article 101 TFEU, Kluwer Competition Law Blog (2021), <https://competitionlawblog.kluwercompetitionlaw.com/2021/06/03/sustainability-agreements-vs-greenwashing-under-article-101-tfeu/#:~:text=Green%20light%20%E2%80%93%20outside%20Article%20101,sustainability%2Drelated%20information%20between%20competitors.>

¹⁹ Vijay Singh, Aakriti Thakur, Anshuman Sakle, Competition Law Tackling Sustainability Goals: An Analysis of International Practices and Challenges Ahead (2022), National Law Business Law Review, <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1254&context=nlsblr>

²⁰ Fanny Hermundsdottir, Arild Aspelund, Sustainability innovations and firm competitiveness: A review (2021), <https://www.sciencedirect.com/science/article/pii/S0959652620347594?via%3Dihub>

²¹ Article 101(3) TFEU: This article allows for exemptions from the prohibition of anti-competitive agreements if specific conditions are met. These conditions include: 1. The agreement contributes to improving the production or distribution of goods or promoting technical or economic progress. 2. The agreement allows consumers a fair share of the resulting benefits. 3. The agreement does not impose on the participating parties restrictions which are unnecessary to achieve these objectives. 4. The agreement does not give those parties the possibility of eliminating competition in respect of a substantial part of the products in question.

²² Section 3(3): This section provides for a presumption that agreements between parties have an appreciable adverse effect on competition, but also includes exceptions. 1. Agreements that enhance efficiency in production, supply, distribution, storage, acquisition, or control of goods or services may be exempt. 2. These agreements must also ensure that the benefits of the increased efficiency are passed on to consumers.

²³ Ankit Srivastava, Tanmay Doneris & Arnav Srivastava, A STUDY ON THE INTERFACE BETWEEN SUSTAINABILITY AND COMPETITION LAW, INDIAN COMPETITION LAW REVIEW Volume 8(1), June 2023.

²⁴ Commission Decision (EC) 2000/475 of 24 January 2000, Case IV.F.1/36.718 – CECEDE, 2000 O.J. (L 187) 47.

²⁵ misleading the public to believe that a company or entity is doing more to protect the environment than it actually is .

²⁶ a metaphor for the suggestion that firms, groups, or individuals might hide behind a misleading façade of being sustainable, often without ever seriously attempting to implement A sustainable practices.

²⁷ Commission Decision (EC) 2021/875 of 8 July 2021, Case IV.F.1/36.718 – CECEDE, 2021 O.J. (L 187) 47, <https://ec.europa.eu/newsroom/comp/items/716796>

²⁸ Manoj Sonawala, Green Washing and Green Blushing, ICSI (2023), <https://www.icsi.edu/media/webmodules/CSJ/April/11ArticleManojSonawala.pdf>

²⁹ Cristina Volpin and Gaetano Lapenta (OECD Competition Division), Environmental Considerations in Competition Enforcement, DAF/COMP(2021)4, [https://one.oecd.org/document/DAF/COMP\(2021\)4/en/pdf](https://one.oecd.org/document/DAF/COMP(2021)4/en/pdf) ³⁰ A sword and a shield Using competition law to tackle climate change and unsustainable practices, ICC (2024), <https://iccwbo.org/wp-content/uploads/sites/3/2023/11/2024-ICC-Using-competition-law-to-tackle-climate-change-and-unsustainable-practices.pdf>

³¹ Ibid.

³² Jurgita Malinauskaite, Competition Law and Sustainability: EU and National Perspectives, Journal of European Competition Law & Practice, 2022, <file:///C:/Users/Student.DESKTOP-CIORFB9/Downloads/lpac003.pdf>

³³ Within the OECD framework, the focus of competition policy is not just on whether competition exists, but on how it impacts consumers and the broader economy. In other words, it's about assessing whether market behavior or policies lead to better outcomes for consumers—like lower prices, higher quality, and innovation—rather than simply maintaining competition for its own sake. https://www.oecd.org/en/publications/competition-on-the-merits_4ab034dd-en.html

³⁴ Nazim U. Hajiyev, STUDYING OF SPECIAL PRACTICAL ISSUES OF ABUSE OF DOMINANCE , THE

JOURNAL OF ECONOMIC SCIENCES: THEORY AND PRACTICE , file:///C:/Users/Student.DESKTOP-CIORFB9/Downloads/210316141127_4_Nazim%20Hajiyev.pdf

³⁵ Google vs. Enel X Italia Case C-233/23 (2025), COURT OF JUSTICE OF THE EUROPEAN UNION , <https://curia.europa.eu/jcms/upload/docs/application/pdf/2025-02/cp250019en.pdf#:~:text=Google%20refused%20to%20take%20the%20action%20necessary,constituted%20an%20abuse%20of%20a%20dominant%20position.>

³⁶ In this case, the Italian Competition Authority (AGCM) fined Google €102 million for abusing its market dominance by denying Enel X the opportunity to create a version of its JuicePass app compatible with Android Auto. This behavior was found to hamper the growth of electric mobility and the deployment of electric vehicle charging infrastructure, which may slow the transition to more sustainable transport. The AGCM viewed these adverse environmental effects as an aggravating circumstance in assessing the gravity of the fine.

³⁷ Simon Holmes, Climate change, sustainability, and competition law, Journal of Antitrust Enforcement, 2020, 8, 354–405, <https://academic.oup.com/antitrust/article/8/2/354/5819564?guestAccessKey=5ae0d011-fc1d-4ee8-9c37-13>

³⁸ OECD (2021), Environmental considerations in competition enforcement, OECD Competition Committee Discussion Paper, <https://www.oecd.org/daf/competition/environmental-considerations-in-competitionenforcement.htm>

³⁹ A sword and a shield Using competition law to tackle climate change and unsustainable practices, ICC (2024), <https://iccwbo.org/wp-content/uploads/sites/3/2023/11/2024-ICC-Using-competition-law-to-tackle-climate-change-and-unsustainable-practices.pdf>

⁴⁰ Suzanne Kingston “Greening of EU Competition Law and Policy” at page 304.

⁴¹ Article 7, 9, 11, 191 TEFU, Article 37 of the EU Charter on Fundamental Rights and Article 3(1),3(5),and 3(5) of the Treaty on European Union

⁴² Hartej Singh Kochher, shubham shukla, Sustainability and Competition law in india: the need for lefal reforms (2024), Bar and Bench, <https://www.barandbench.com/columns/sustainability-and-competition-law-in-india-the-need-for-legal-reforms>

⁴³ Ankit Singh Rajput, Is The per se approach by the CCI constitutional, Bar and Bench (2025), <https://www.barandbench.com/columns/per-se-approach-by-the-cci-constitutional>

⁴⁴ Vijay Pratap Singh Chauhan, Aakriti Thakur, assisted by Shruti Khaitan, Competition Law Tackling Sustainability Goals: An analysis of international Practices and the Challenges Ahead, National Law School Business Law Review (2022), 8(2), 23-42.

⁴⁵ Green Channel, CCI, <https://www.cci.gov.in/combination/green-channel-view>

⁴⁶ Green Channel, CCI, <https://www.cci.gov.in/combination/green-channel-view>

⁴⁷ Eliminating the mandatory 150 days period otherwise applicable for combination under the competition act.

⁴⁸ Green Channel Rules 2024 ,GOVERNMENT OF INDIA MINISTRY OF CORPORATE AFFAIRS, <https://www.foxmandal.in/wp-content/uploads/2024/03/Draft-Competition-Commission-of-India-Green-Channel-Rules-2024.pdf>

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Under section 44 and 45 of Competition Act, penalty may extend to rs one crore.

⁵² Aditya Bhardwaj, Obtaining green channel approval in india (2025), <https://www.dentonslinklegal.com/en/insights/articles/2025/february/4/obtaining-green-channel-approval-in-india#:~:text=The%20mechanism%20of%20green%20channel,Senior%20Associate%20Rinki%20Singh%20he> re.