Opinion of the Advisory Committee on restrictive practices and dominant positions given at its 396th meeting on 10 October 2005 concerning a preliminary draft decision relating to Case COMP/38.281/B.2 — Raw Tobacco Italy

(2006/C 303/12)

1. The Advisory Committee agrees with the Commission that in this decision it is not necessary to define the relevant market.
2. The Advisory Committee agrees with the legal assessment made by the Commission, notably with the legal qualification of the facts as agreements and/or concerted practices and/or decisions within the meaning of Article 81(1) of the EC Treaty.
3. The Advisory Committee agrees with the Commission's view that the infringements subject to this proceeding must be considered as three separate, single and continuous, infringements.
4. The Advisory Committee agrees with the Commission that the agreements and/or concerted practices and/or decisions have as object a restriction of competition.
5. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision.
6. The Advisory Committee agrees with the Commission's reasoning on the basic amount of the fines.
7. The Advisory Committee agrees with the Commission that there are no aggravating circumstances.
8. The Advisory Committee agrees with the Commission on the attenuating circumstances.
9. The Advisory Committee agrees with the Commission on the application of the Commission Notice Commission notice on immunity from fines and reduction of fines in cartel cases.
10. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
11. The Advisory Committee asks the Commission to take into account all the other points raised during the discussion.