

Opinion of the Advisory Committee on restrictive practices and dominant positions at its meeting on given at its 407th meeting on 18 April 2006 concerning a draft decision relating to Case COMP/C.38.620 Hydrogen Peroxide and Perborate

(2006/C 303/18)

- 1) The Advisory Committee agrees with the European Commission's assessment of the product and the geographic area affected by the cartel in the draft decision.
 - 2) The Advisory Committee agrees with the European Commission's assessment to exclude PCS from the infringing behaviour.
 - 3) The Advisory Committee agrees with the European Commission's assessment of the facts as an agreement and/or concerted practice within the meaning of Article 81 of the Treaty and Article 53 of the EEA Agreement.
 - 4) The Advisory Committee agrees with the European Commission as regards the assessment of the leniency applications and their ranking.
 - 5) The Advisory Committee agrees with the European Commission's draft decision as regards the addressees of the decision, specifically with reference to the imputation of liability to the parent companies of the groups concerned.
 - 6) The Advisory Committee agrees, with one abstention, with the European Commission's view that the infringement referred to, constitutes a single and continuous infringement.
 - 7) The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
 - 8) The Advisory Committee asks the Commission to take into account all the other points raised during the discussion.
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