

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its 393rd meeting on 5 September 2005 concerning a draft decision in Case COMP/38.337 — PO/Thread

(2008/C 21/04)

1. The members of the Advisory Committee unanimously agree with the Commission's conclusion on the relevant market.
 2. The members of the Advisory Committee unanimously agree with the Commission that the addressees of the draft decision have participated in agreements and/or concerted practices within the meaning of Article 81(1) of the EC Treaty.
 3. The members of the Advisory Committee unanimously agree with the Commission that the addressees of the draft decision have participated in a single and continuous infringement of Article 81(1) of the EC Treaty affecting, respectively, the markets of thread for industrial customers in the Benelux and the Nordic countries, the markets of thread for industrial customers in the United Kingdom and the markets of automotive thread in the EEA.
 4. The members of the Advisory Committee unanimously agree with the Commission that the object and effect of the agreements and/or concerted practices were to restrict competition within the meaning of Article 81(1) of the EC Treaty.
 5. The members of the Advisory Committee unanimously agree with the Commission that the agreements and/or concerted practices have been capable of appreciably affecting trade between Member States of the EU.
 6. The members of the Advisory Committee unanimously agree with the Commission on the gravity of the infringements.
 7. The members of the Advisory Committee unanimously agree with the Commission on the duration of the infringement.
 8. The members of the Advisory Committee unanimously agree with the Commission that there are no aggravating circumstances applicable.
 9. The members of the Advisory Committee unanimously agree with the Commission's conclusion on the application of a mitigating circumstance for the infringement for industrial thread in the Benelux and the Nordic countries, as well as with the conclusion that there are no mitigating circumstances applicable for the infringement concerning automotive thread in the EEA.
 10. The members of the Advisory Committee unanimously agree with the Commission on the application of the Leniency Notice.
 11. The members of the Advisory Committee unanimously recommend the publication of its opinion in the *Official Journal of the European Union*.
 12. The members of the Advisory Committee unanimously ask the Commission to take into account all the other points raised during the discussion.
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