

Opinion of the Advisory Committee on restrictive agreements and dominant positions given at its meeting of 7 March 2008 regarding a draft decision relating to Case COMP/38.543 — International removal services (2)

Rapporteur: Italy

(2009/C 188/05)

1. The Advisory Committee agrees with the European Commission as regards the addressees of the draft decision and that fines should be imposed on the addressees.
 2. The Advisory Committee agrees with the European Commission on the basic amounts of the fines as well as on the respective Commission's reasoning to fix them.
 3. The Advisory Committee agrees with the European Commission's assessment regarding the non-applicability of mitigating and aggravating circumstances.
 4. The Advisory Committee agrees with the Commission on the application of the Commission's 2002 Leniency Notice on the non-imposition or reduction of fines.
 5. The Advisory Committee agrees with the Commission on the fine reduction based on the 2002 Leniency Notice.
 6. The Advisory Committee agrees with the Commission that there are no grounds for reducing the amounts of the fines under point 35 of the Fining Guidelines as was requested by five undertakings.
 7. The majority of the Advisory Committee agrees with the Commission's granting of a reduction, as well as on the amount of the reduction, to one undertaking on the basis of its inability to pay and other particular circumstances concerning its individual situation. A minority abstains.
 8. The majority of the Advisory Committee agrees with the Commission on the final amounts of the fines. A minority abstains.
 9. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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