

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its 381st meeting on 11 October 2004 concerning a preliminary draft decision in case COMP/C.38.238/B.2 — Raw Tobacco Spain

(2007/C 85/07)

1. The majority of the Advisory Committee agrees with the Commission that in this decision it is not necessary to define the relevant market. A minority of the Advisory Committee abstains.
 2. The majority of the Advisory Committee agrees with the Commission that the addressees of the draft decision have participated in two separate, single and continuous, agreements and/or concerted practices contrary to Article 81(1) EC. A minority of the Advisory Committee abstains.
 3. The majority of the Advisory Committee agrees with the Commission that the agreements and/or concerted practices have as their object the restriction of competition. A minority of the Advisory Committee abstains.
 4. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision.
 5. The majority of the Advisory Committee agrees with the Commission's reasoning on the basic amount of the fines. A minority of the Advisory Committee abstains.
 6. The majority of the Advisory Committee agrees with the Commission's reasoning on the aggravating circumstances. A minority of the Advisory Committee abstains.
 7. The majority of the Advisory Committee agrees with the Commission's reasoning on the attenuating circumstances. A minority of the Advisory Committee abstains.
 8. The Advisory Committee agrees with the Commission's reasoning on the application of the 1996 Commission notice on the non-imposition or reduction of fines in cartel cases.
 9. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
 10. The Advisory Committee asks the Commission to take into account all the other points raised during the discussion.
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