

**Opinion of the Advisory Committee on restrictive practices and dominant positions given at its 417th meeting on 23 October 2006 concerning a draft decision in Case COMP/C.38.907 — Steel beams**

(2008/C 235/02)

1. The Advisory Committee agrees with the Commission on the applicability of Article 65(1) of the ECSC Treaty despite its expiry.
  2. The Advisory Committee agrees with the Commission's assessment of the facts as an agreement and/or concerted practice within the meaning of Article 65(1) of the ECSC Treaty.
  3. The Advisory Committee agrees with the Commission's assessment of the product and geographic market affected by the cartel in the draft decision.
  4. The Advisory Committee agrees with the Commission's finding that the principle of 'ne bis in idem' does not forbid the adoption of the present decision.
  5. The Advisory Committee agrees with the Commission's draft decision as regards the addressees of the decision, in particular with reference to imputation of liability to Arcelor Profil Luxembourg SA (ex-ProfilArbed SA) as economic successor to Arbed SA's activities in steel beams.
  6. The Advisory Committee agrees with the Commission's finding that the limitation period has not expired, neither with regard to Arcelor Luxembourg SA (ex-Arbed SA) nor with respect to Arcelor Profil Luxembourg SA (ex-ProfilArbed SA) nor Arcelor International SA (ex-TradeArbed SA).
  7. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
  8. The Advisory Committee agrees with the Commission on taking into account — by way of exceptional circumstances — that the Commission has already taken a position on the amount of the fine for Arbed SA, which the Court of First Instance reduced to EUR 10 million in its judgment in Case T-137/94.
  9. The Advisory Committee agrees with the Commission on the final amounts of the fines.
  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.
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