

**Opinion of the Advisory Committee on restrictive agreements and dominant positions given at its meeting of 12 June 2008 concerning a draft decision relating to Case COMP/39.180 — Aluminium fluoride**

**Rapporteur: Austria**

(2011/C 40/10)

1. 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 EC Treaty and Article 53 of the EEA Agreement.
2. The Advisory Committee agrees with the European Commission's assessment of the product and the geographic area affected by the cartel.
3. The Advisory Committee agrees with the European Commission's assessment that the cartel constitutes a single and continuous infringement.
4. The Advisory Committee agrees with the European Commission's assessment as regards the addressees of the draft decision, specifically with reference to imputation of liability to parent companies of the groups concerned.
5. The Advisory Committee agrees with the European Commission that a fine should be imposed on the addressees of the draft decision.
6. The Advisory Committee agrees with the European Commission's assessment of the applications made under the 2002 Leniency Notice.
7. The Advisory Committee recommends the publication of its Opinion in the *Official Journal of the European Union*.

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**Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting of 20 June 2008 regarding a draft decision relating to Case COMP/39.180 — Aluminium fluoride (2)**

**Rapporteur: Austria**

(2011/C 40/11)

1. The Advisory Committee agrees with the Commission on the basic amount of the fines.
  2. The Advisory Committee agrees with the Commission on the proposed decision as regards immunity and the rejection of any reduction of the fines, based on the 2002 Leniency Notice.
  3. The Advisory Committee agrees with the Commission on the final amounts of the fines.
  4. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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