

Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 17 October 2011 regarding a draft decision relating to Case COMP/39.605 — CRT Glass

Rapporteur: Netherlands

(2012/C 48/05)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes an agreement and/or concerted practice between undertakings within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
 2. The Advisory Committee agrees with the Commission's assessment of the product and geographic scope of the agreement and/or concerted practice contained in the draft decision.
 3. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision have participated in a single and continuous infringement of Article 101 of the TFEU and Article 53 of the EEA Agreement.
 4. The Advisory Committee agrees with the Commission that the object of the agreement and/or concerted practice was to restrict competition within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
 5. The Advisory Committee agrees with the Commission that the agreement and/or concerted practice has been capable of appreciably affecting trade between the Member States of the EU and between other contracting parties to the EEA Agreement.
 6. The Advisory Committee agrees with the Commission's assessment as regards the duration of the infringement.
 7. The Advisory Committee agrees with the Commission's draft decision as regards the addressees.
 8. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision.
 9. The Advisory Committee agrees with the Commission on the application of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003.
 10. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
 11. The Advisory Committee agrees with the determination of the duration for the purpose of calculating the fines.
 12. The Advisory Committee agrees with the Commission that there are no aggravating circumstances applicable in this case.
 13. The Advisory Committee agrees with the Commission on the mitigating circumstances the Commission identifies for two of the addressees of the draft decision.
 14. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice.
 15. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice.
 16. The Advisory Committee agrees with the Commission on the final amounts of the fines.
 17. The Advisory Committee recommends the publication of its Opinion in the *Official Journal of the European Union*.
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