

**Opinion of the Advisory Committee on Restrictive Agreements and dominant position given at its meeting of 31 March 2014 regarding a draft decision relating to Case AT.39792 Steel Abrasives**

**Rapporteur: Romania**

(2014/C 362/05)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes agreements and/or concerted practices 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 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.
  3. The Advisory Committee agrees with the Commission that the object of the agreements and/or concerted practices was to restrict competition within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
  4. The Advisory Committee agrees with the Commission that the agreements and/or concerted practices have been capable of appreciably affecting trade between the Member States of the EU and EEA.
  5. The Advisory Committee agrees with the Commission's assessment as regards the duration of the infringement for each addressee.
  6. The Advisory Committee agrees with the Commission as regards the addressees of the decision.
  7. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision.
  8. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
  9. The Advisory Committee agrees with the determination of the duration for the purpose of calculating the fines.
  10. The Advisory Committee agrees with the Commission that there are no aggravating circumstances applicable in this case.
  11. The Advisory Committee agrees with the Commission on the reductions based on the mitigating circumstances.
  12. The Advisory Committee agrees with the Commission on the adaptation of the fines based on point 37 of the 2006 Guidelines on Fines.
  13. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice.
  14. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice.
  15. The Advisory Committee agrees with the Commission's assessment of the inability to pay request.
  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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