

**Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 18 September 2009 regarding a draft decision relating to Case COMP/C.39129 — Power Transformers (1)**

**Rapporteur: Luxembourg**

(2009/C 296/05)

1. The Advisory Committee agrees with the European Commission assessment of the facts as an agreement and/or concerted practice within the meaning of Article 81 of the Treaty and Article 53 of the EEA Agreement.
  2. The Advisory Committee agrees with the European Commission that the agreement and/or concerted practices have as object a restriction of competition.
  3. The Advisory Committee agrees with the European Commission that the agreement and/or concerted practices were implemented by the parties.
  4. The Advisory Committee agrees with the European Commission assessment on the duration of the infringement for each addressee.
  5. The Advisory Committee agrees with the European Commission draft decision as regards the conclusion that the agreement and concerted practices between the addressees were capable of having an appreciable effect upon trade between EU Member States and between contracting parties of the EEA.
  6. The Advisory Committee agrees with the European Commission draft decision as regards the addressees of the decision, specifically with reference to imputation of liability to parent companies of the groups concerned.
  7. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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