

**Opinion of the Advisory Committee on restrictive practices and dominant positions meeting on
27 February 2017 concerning a draft decision relating to Case AT.39960 Thermal Systems**

Rapporteur: Czech Republic

(2017/C 169/13)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes four separate agreements and/or concerted practices between undertakings which amount to four infringements within the meaning of Article 101 TFEU.
 2. The Advisory Committee agrees with the Commission's assessment of the product and geographic scope for each of the four infringements contained in the draft decision.
 3. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision have participated in the four single and continuous infringements of Article 101 TFEU, as spelled out in the draft decision.
 4. The Advisory Committee agrees with the Commission that the object of the four infringements was to restrict competition within the meaning of Article 101 TFEU, either in the form of price coordination or in the form of market coordination.
 5. The Advisory Committee agrees with the Commission that the four infringements were capable of appreciably affecting trade between the Member States of the EU.
 6. The Advisory Committee agrees with the Commission's assessment as regards the duration of the four infringements.
 7. The Advisory Committee agrees with the Commission's draft decision as regards the addressees in respect of each of the four infringements.
 8. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision for each of the four infringements in which they were involved.
 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 and no mitigating circumstances applicable in this case.
 13. The Advisory Committee agrees with the Commission that a multiplier for deterrence should be applied to two undertakings concerned by 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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