Opinion of the Advisory Committee on Restrictive Practices and Dominant Positions at its meeting on 17 November 2021 concerning a draft Decision in case AT.40127 – Canned vegetables

Rapporteur: Ireland

(Text with EEA relevance)

(2022/C 412/03)

1. The members of the Advisory Committee (eight Member States) agree with the Commission that the anti-competitive 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 members of the Advisory Committee (eight Member States) agree 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.

3. The members of the Advisory Committee (eight Member States) agree with the Commission's assessment as regards the duration of the infringement.

4. The members of the Advisory Committee (eight Member States) agree with the Commission's draft Decision as regards the addressees.

5. The members of the Advisory Committee (eight Member States) agree with the Commission that a fine should be imposed on the addressees of the draft Decision for the infringement in which they were involved.

6. The members of the Advisory Committee (eight Member States) agree with the Commission on the final amount of the fine, based on the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 and the 2006 Leniency Notice.

7. The members of the Advisory Committee (eight Member States) recommend the publication of its Opinion in the Official Journal of the European Union.