Opinion of the Advisory Committee on restrictive agreements and dominant positions at its meeting on 30 November 2021 concerning a draft ordinary decision relating to Case AT.40135 – FOREX (Sterling Lads)

Rapporteur: Portugal

(2022/C 185/06)

1. The Advisory Committee (13 Member States) agrees with the Commission that the anticompetitive behaviour covered by the draft ordinary decision (i.e. information exchanges) constitutes agreements and/or concerted practices between undertakings within the meaning of Article 101 TFEU and Article 53 of the EEA Agreement.

2. The Advisory Committee (13 Member States) agrees with the Commission that the undertaking concerned by the draft ordinary decision participated in a single and continuous infringement of Article 101 TFEU and Article 53 of the EEA Agreement, as spelled out in the draft ordinary decision.

3. The Advisory Committee (13 Member States) agrees with the Commission that the object of the agreements and/or concerted practices was to restrict competition within the meaning of Article 101 TFEU and Article 53 of the EEA Agreement.

4. The Advisory Committee (13 Member States) agrees with the Commission’s assessment as regards the duration of the infringement.

5. The Advisory Committee (13 Member States) agrees with the Commission that a fine should be imposed on the addressee of the draft ordinary decision.

6. The Advisory Committee (13 Member States) agrees with the Commission on the calculation of the proxy to the value of sales to enable the application to the case of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003.

7. The Advisory Committee (13 Member States) agrees with the Commission on the final amount of the fine.

8. The Advisory Committee (13 Member States) recommends the publication of its Opinion in the Official Journal of the European Union.