Opinion of the Advisory Committee on restrictive practices and dominant positions at its meeting on 25 November 2022 concerning a draft decision in case AT.40547 – STYRENE MONOMER

Rapporteur: Kristiina Arnus
(Text with EEA relevance)

(2023/C 145/07)

1. The Advisory Committee (13 Member States) agrees with the Commission that the anti-competitive conduct covered by the draft decision constitutes an agreement and/or concerted practice between undertakings within the meaning of Article 101 of the Treaty (1).

2. The Advisory Committee (13 Member States) agrees with the Commission that the object of the agreement and/or concerted practices was to restrict competition within the meaning of Article 101(1) of the Treaty.

3. The Advisory Committee (13 Member States) agrees with the Commission that the undertakings concerned by the draft decision participated in a single and continuous infringement of Article 101 of the Treaty.

4. The Advisory Committee (13 Member States) agrees with the Commission that the agreement and/or concerted practice was capable of appreciably affecting trade between the Member States of the EU and the Contracting Parties to the EEA Agreement.

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

6. The Advisory Committee (13 Member States) agrees with the Commission that fines should be imposed on the addressees of the draft decision.

7. The Advisory Committee (13 Member States) 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 No 1/2003.

8. The Advisory Committee (13 Member States) agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice and the 2008 Settlement Notice.

9. The Advisory Committee (13 Member States) agrees with the Commission on the final amounts of the fines.

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

11. The Advisory Committee asks the Commission to take into account all the other points raised during the discussion.

(1) In the present case, references to Article 101 of the Treaty are to be understood as referring as well to Article 53 of the Agreement on the European Economic Area (the ‘EEA Agreement’).