

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting of 28 September 2009 regarding a draft decision relating to Case COMP/39.416 — Ship classification

Rapporteur: Slovakia

(2010/C 2/03)

1. The Advisory Committee shares the Commission's concerns as to the compatibility with Article 81 of the EC Treaty and Article 53 of the EEA Agreement of IACS' decisions as expressed in the draft decision communicated to the Advisory Committee on 11 September 2009.
 2. The Advisory Committee agrees with the Commission that the commitments offered by IACS are suitable, necessary and proportionate in order to meet the concerns expressed by the Commission in its draft decision.
 3. The Advisory Committee agrees with the Commission's view that the proceedings can be concluded by means of a decision pursuant to Article 9(1) of Regulation (EC) No 1/2003.
 4. The Advisory Committee agrees with the Commission that, in light of the commitments offered by IACS, there are no longer grounds for action by the Commission, without prejudice to Article 9(2) of Regulation (EC) No 1/2003.
 5. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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