hindered, leads to separate national markets being maintained artificially, contrary to the Treaty, and is therefore such as to infringe Article 85(1) thereof.

2. It is not necessary for an undertaking to have been aware that it was infringing the competition rules in the Treaty for an infringement to be regarded as having been committed intentionally; it is sufficient that it could not have been unaware that the contested conduct had as its object the restriction of competition (judgment of 11 July 1989 in Case 246/86 *Belasco* v *Commission* [1989] ECR 2117).

3. Article 15(2) of Regulation No 17 contains no territorial limit in regard to the turnover of undertakings which have infringed the competition rules which is to be taken into account in determining the amount of the fine to be imposed on them, so that the Commission cannot be required to take account only of the total turnover realized on the market in which the infringement was committed.

OPINION OF THE ADVOCATE GENERAL

Mr Advocate General Van Gerven delivered his Opinion on 1 June 1989.* He proposed that the Court should:

(i) dismiss the application;

(ii) order the applicant to pay the costs.

* Original language: Dutch.