

Opinion of the Advisory Committee on restrictive practices and dominant positions at its meeting on given at its 406th meeting on 27 March 2006 concerning a draft decision relating to case COMP/B1-38.348 — Repsol CPP

(2006/C 152/05)

(Text with EEA relevance)

- (1) The Advisory Committee shares the Commission's concern expressed in its preliminary assessment about the risk of foreclosure on fuel supply in Spain raised by long-term supply agreements between REPSOL CPP and the service stations of its distribution network.
 - (2) The Advisory Committee agrees with the Commission that such agreements may have for effect to reinforce the partitioning of markets on national basis and thereby may affect trade between Member States.
 - (3) The Advisory Committee agrees with the Commission that the proceedings opened with a preliminary assessment under Article 81 of the Treaty in June 2004, can be concluded by means of a decision pursuant to Article 9(1) of Regulation (EC) No 1/2003 which will make commitments binding on REPSOL CPP, without prejudice to Article 9(2) of Regulation (EC) No 1/2003.
 - (4) The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
 - (5) The Advisory Committee asks the Commission to take into account all the other points raised during the discussion.
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