



EUROPEAN COMMISSION

The Hearing Officer

**FINAL REPORT OF THE HEARING OFFICER**  
**IN CASE COMP/M.4747 – IBM / Telelogic**

**(pursuant to Articles 15 and 16 of Commission Decision (2001/462/EC, ECSC)  
of 23 May 2001 on the terms of reference of Hearing Officers  
in certain competition proceedings – OJ L 162, 19.6.2001, p. 21)**

On 28 June 2007, the Commission received a referral request from International Business Machines Corporation (*IBM*) pursuant to Article 4 (5) of Council Regulation (EC) No 139/2004 (*Merger Regulation*). No Member State competent to examine the concentration under its national competition law objected to the referral. Accordingly, the concentration was deemed to have a Community dimension pursuant to Article 4 (5) of the Merger Regulation and should therefore be notified to the Commission.

Subsequently, on 29 August 2007, the Commission received a notification of a proposed concentration by which IBM acquires, within the meaning of Article 3(1) (b) of the Merger Regulation, control of the undertaking Telelogic AB by way of a public bid, which was announced on 11 June 2007.

After a preliminary examination of the notification, the Commission found that the transaction raised serious doubts as to its compatibility with the common market and the functioning of the EEA agreement. Accordingly, the Commission decided, on 3 October 2007, to initiate proceedings pursuant to Article 6(1) (c) of the Merger Regulation.

On 15 November 2007 the Commission adopted a decision under Article 11(3) of the Merger Regulation requiring IBM to supply certain information. In accordance with Article 10(1) of the Merger Regulation and Article 9(4) of Regulation 802/2004 (the Merger Implementing Regulation) the procedure was suspended from 5 November 2007 until 3 December 2007. Access to key documents was provided to the notifying party on 9 October 2007 in accordance with DG Competition's "Best Practices on the conduct of EC merger control proceedings".

Following the in-depth market investigation the Commission has concluded that the proposed transaction does not significantly impede effective competition in the common market or in a substantial part of it and is therefore compatible with the common market and the EEA Agreement. Accordingly, no Statement of Objections was sent to the notifying party. No queries or submissions have been made to me by the merging parties or any third party. The case does not call for any particular comments as regards the right to be heard.  
Brussels, 22 February 2008

Karen WILLIAMS