



EUROPEAN COMMISSION

The Hearing Officer

FINAL REPORT OF THE HEARING OFFICER
IN CASE COMP/M.4854 - TomTom/ Tele Atlas¹

On 22 October 2007, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004² by which TomTom N.V. ("TomTom") would acquire within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Tele Atlas N.V. ("Tele Atlas") by way of a public bid.

After examination of the notification, the Commission concluded on 28 November 2007 that the notified operation fell within the scope of the Merger Regulation and that it raised serious doubts as to its compatibility with the common market and the EEA Agreement. The Commission therefore initiated proceedings in accordance with Article 6(1)(c) of the Merger Regulation.

Access to key documents was provided to the notifying party on 3 and 12 December 2007, in accordance with paragraph 45 of DG Competition's Best Practices on the conduct of EC merger control proceedings.

The Commission sent a Statement of Objections ("SO") to TomTom on 29 February 2008. Tele Atlas also received a copy of the SO. TomTom was granted access to file upon issuance of the SO. TomTom and Tele Atlas replied jointly on 17 March 2008. The parties did not request a formal oral hearing.

I granted requests from eight undertakings to be admitted to the proceedings as interested third parties within the meaning of Article 18(4) of the Merger Regulation and Article 11(c) of Council Regulation (EC) No 802/2004. TomTom was granted access to non-confidential versions of written comments submitted by four of the third parties.

As a result of the in-depth investigation, the Commission has concluded that the proposed concentration does not significantly impede effective competition in the common market or a substantial part of it.

In the light of the above, I consider that the rights to be heard in the present proceeding have been respected.

Brussels, 6 May 2008

(signed)
Karen WILLIAMS

¹ 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 L162, 19.06.2001, p.21.
² OJ L 24, 29.1.2004 p. 1.