



EUROPEAN COMMISSION
DG Competition

***Case M.9282 - HCL TECHNOLOGIES / CERTAIN IBM
ASSETS***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 29/03/2019

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EUROPEAN COMMISSION

Brussels, 29.3.2019
C(2019) 2634 final

PUBLIC VERSION

To the notifying party

**Subject: Case M.9282 – HCL TECHNOLOGIES / CERTAIN IBM ASSETS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 5 March 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which HCL Technologies Limited ("HCL") (India) acquires with the meaning of Article 3(1)(b) of the Merger Regulation control of certain assets and liabilities, comprising four selected software product portfolios ("the Target"), from International Business Machines Corporation ("IBM") (United States) by way of purchase of assets.³
2. The business activities of the undertakings concerned are:
 - for HCL: the supply of technology and IT services,
 - for the Target: four IT software product portfolios concerning marketing, commerce, security and collaboration software.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴

¹ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation'). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ('TFEU') has introduced certain changes, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this decision.

² OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 94, 12.03.2019, p.11.

⁴ OJ C 366, 14.12.2013, p. 5.

4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

For the Commission

(Signed)
Johannes LAITENBERGER
Director-General