



Brussels, 17 May 2023

Final Report of the Hearing Officer¹

Case M.10807 – Viasat / Inmarsat

(Text with EEA relevance)

1. On 9 January 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of Regulation No 139/2004 (the ‘Merger Regulation’)² by which Viasat, Inc. (‘Viasat’ or the ‘Notifying Party’) intends to acquire sole control of the whole of Inmarsat Group Holdings Limited (‘Inmarsat’) within the meaning of Article 3(1)(b) of the Merger Regulation (the ‘Proposed Transaction’). Viasat and Inmarsat are together referred to as the ‘Parties’.
2. On 13 February 2023, the Commission adopted a decision to initiate proceedings pursuant to Article 6(1)(c) of the Merger Regulation (the ‘Article 6(1)(c) Decision’), in which it raised serious doubts as to the compatibility of the Proposed Transaction with the internal market and with the functioning of the EEA Agreement.
3. On 27 February 2023, the Notifying Party submitted its written comments to the Article 6(1)(c) Decision. On 7 March and on 20 April 2023, state of play meetings between the Notifying Party and the Commission took place.
4. Over the course of the investigation, the Commission sent multiple requests for information to the Parties and to competitors and customers of the Parties pursuant to Article 11 of the Merger Regulation.
5. The results of the in-depth market investigation did not confirm the serious doubts of the previous phase and the draft decision declares the Proposed Transaction compatible with the internal market and the functioning of the EEA Agreement. The Commission did not issue a statement of objections pursuant to Article 13(2) of Regulation No 802/2004 (the ‘Merger Implementing Regulation’)³ and there was no formal oral hearing in accordance with Article 14 of that regulation.

¹ Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings, OJ L 275, 20.10.2011, p. 29 (‘Decision 2011/695/EU’).

² Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, OJ L 24, 29.1.2004, p. 1.

³ Commission Regulation (EC) No 802/2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ L 133, 30.4.2004, p.1; corrigendum OJ L 172, 6.5.2004, p. 9).

6. Overall, I consider that the effective exercise of procedural rights has been respected during the present proceedings.

Eric GIPPINI FOURNIER
Hearing Officer