

**Final report of the Hearing Officer in Case COMP/M.4731 — Google/DoubleClick**

*(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)*

(2008/C 184/05)

On 21 September 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 139/2004 <sup>(1)</sup> ('Merger Regulation') by which the undertaking Google Inc. ('Google', USA) would acquire within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking DoubleClick Inc. ('DoubleClick', USA) by way of purchase of shares.

Upon examination of the notification, the Commission concluded that the notified operation raised serious doubts as to the compatibility of the notified acquisition with the common market and with the functioning of the EEA Agreement with regard to the market for online advertising. The Commission also found that the commitments proposed by the notifying party on 19 October 2007 were not sufficient to clearly rule out the serious doubts identified by the Commission during the phase I investigation. Accordingly, the Commission decided to initiate proceedings under Article 6(1)(c) of the Merger Regulation on 13 November 2007.

Access to key documents was provided to the notifying party on 16, 19 and 20 November 2007, in accordance with paragraph 45 of DG Competition's Best Practices on the conduct of EC merger control proceedings.

On the basis of the additional evidence gathered during the phase II investigation, the Commission concluded that the proposed transaction would not significantly impede effective competition in the common market or a substantial part thereof 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 parties or any third party. The case does not call for any particular comments as regards the right to be heard.

Brussels, 3 March 2008.

Karen WILLIAMS

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.