

**Opinion of the Advisory Committee on restrictive practices and dominant position given at its meeting on 5 December 2011 concerning a draft decision relating to Case COMP/39.692 — IBM Maintenance Services**

**Rapporteur: Estonia**

(2012/C 18/04)

1. The Advisory Committee agrees with the Commission's assessment in its draft decision as communicated to the Advisory Committee on 21 November 2011 under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement.
  2. The Advisory Committee agrees with the Commission that the proceedings can be concluded by means of a decision pursuant to Article 9(1) of Regulation (EC) No 1/2003.
  3. The Advisory Committee agrees with the Commission that the commitments offered by IBM are suitable, necessary and proportionate.
  4. The Advisory Committee agrees with the Commission that, in light of the commitments offered by IBM, there are no longer grounds for action by the Commission, without prejudice to Article 9(2) of Regulation (EC) No 1/2003.
  5. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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