

REFERENCE RELATING TO THE ANTICIPATED ACQUISITION BY BROADCOM INC. OF VMWARE, INC.

Notice of provisional findings made under Rule 11.3 of the Competition and Markets Authority Rules of Procedure¹

1. On 29 March 2023, in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the **Act**), the Competition and Markets Authority (**CMA**) made reference to its chair for the constitution of a group of Panel Members (the **Inquiry Group**) regarding the anticipated acquisition by Broadcom Inc. of VMware, Inc. and requiring it to report within a period ending on 12 September 2023.

Provisional findings

2. The Inquiry Group appointed to consider this reference has made the following provisional findings on the statutory questions it has to decide, pursuant to [section 36\(1\)](#) of the Act:
 - (a) arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and
 - (b) the creation of that situation may not be expected to result in a substantial lessening of competition within any market or markets in the United Kingdom.
3. The Inquiry Group's reasons are set out in full in the provisional findings report, which is attached to this notice, and are summarised in the summary of the provisional findings report (see note below).

Next steps

4. Anyone wishing to comment on the provisional findings is now invited to provide the Inquiry Group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).

¹ See [Rules of procedure for merger, market and special reference groups: CMA17](#).

5. These reasons should be received by the Inquiry Group no later than **17:00 on Wednesday 9 August 2023**.
6. The Inquiry Group will have regard to any such reasons in making its final decisions on the statutory questions and any consequential actions. However, the Inquiry Group shall not be obliged to take into account reasons which are provided after the deadline specified in paragraph 5 above.

[Signed]
Richard Feasey
Inquiry Group Chair
19 July 2023

Note: A copy of this notice and the summary of the provisional findings report will be placed on the CMA [website](#) on 19 July 2023. The CMA proposes to publish the provisional findings report on its [website](#) shortly thereafter. The published version of the provisional findings report will not contain any information which the Inquiry Group considers should be excluded from the report, having regard to the three considerations set out in [section 244](#) of the Act. These omissions are indicated by [✂].

Comments should be made by email to Broadcom.VMware@cma.gov.uk.