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Competition: Commission confirms sending of Statement of Objections to Intel

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Brussels, 27 July 2007

Competition: Commission confirms sending of Statement of Objections to Intel

The European Commission can confirm that it has sent a Statement of Objections (SO) to Intel on 26th July 2007. The SO outlines the Commission's preliminary view that Intel has infringed the EC Treaty rules on abuse of a dominant position (Article 82) with the aim of excluding its main rival, AMD, from the x86 Computer Processing Units (CPU) market.

In the SO, the Commission outlines its preliminary conclusion that Intel has engaged in three types of abuse of a dominant market position. First, Intel has provided substantial rebates to various Original Equipment Manufacturers (OEMs) conditional on them obtaining all or the great majority of their CPU requirements from Intel. Secondly, in a number of instances, Intel made payments in order to induce an OEM to either delay or cancel the launch of a product line incorporating an AMD-based CPU. Thirdly, in the context of bids against AMD-based products for strategic customers in the server segment of the market, Intel has offered CPUs on average below cost.

These three types of conduct are aimed at excluding AMD, Intel's main rival, from the market. Each of them is provisionally considered to constitute an abuse of a dominant position in its own right. However, the Commission also considers at this stage of its analysis that the three types of conduct reinforce each other and are part of a single overall anti-competitive strategy.

Intel has 10 weeks to reply to the SO, and will then have the right to be heard in an Oral Hearing. If the preliminary views expressed in the SO are confirmed, the Commission may require Intel to cease the abuse and may impose a fine.

Background

A Statement of Objections is a formal step in Commission antitrust investigations in which the Commission informs the parties concerned in writing of the objections raised against them. The addressee of a Statement of Objections can reply in writing to the Statement of Objections, setting out all facts known to it which are relevant to its defence against the objections raised by the Commission. The party may also request an oral hearing to present its comments on the case.

The Commission may then take a decision on whether conduct addressed in the Statement of Objections is compatible or not with the EC Treaty's antitrust rules. Sending a Statement of Objections does not prejudice the final outcome of the procedure.

EXHIBIT 2

Marie-Claude Amphoux

De: Brice.Allibert@ec.europa.eu
Envoyé: vendredi 14 mars 2008 11:00
À: mcamphoux@quechoisir.org
Cc: hearing.officer@ec.europa.eu; Per.Hellstrom@ec.europa.eu;
Nicholas.Banasevic@ec.europa.eu; Cornellu.HOEDLMAYR@ec.europa.eu;
Barbara.BOSZE@ec.europa.eu; Gabor.BARTHA@ec.europa.eu;
Damian.KAMINSKI@ec.europa.eu
Objet: Cas COMP-C3/37990 - Intel

Chère Madame,

Le conseiller auditeur m'a fait parvenir votre courrier électronique du 13 mars dans lequel vous lui demandiez s'il était possible pour l'UFC Que choisir de faire parvenir à la Commission des commentaires écrits sur le résumé de la communication des griefs qui lui a été transmis dans le cadre du cas COMP-C3/37990 - Intel. Je puis vous confirmer que l'UFC Que choisir peut en effet faire parvenir ses commentaires écrits à la Commission.

Je vous présente nos excuses pour ne pas avoir été suffisamment explicites à cet égard dans notre lettre de transmission du résumé de la communication des griefs.

Nous vous serions reconnaissants de bien vouloir faire parvenir à la Commission ces commentaires dans les 14 jours suivant la fin de l'audience administrative, c'est à dire avant le 26 mars 2008.

Recevez, Madame, l'expression de ma considération la meilleure.

Brice Allibert
Commission européenne
DG Concurrence - Unité C3
B-1049 Bruxelles
+32.2.299.93.93

From: Marie-Claude Amphoux [mailto:mcamphoux@quechoisir.org]
Sent: Thursday, March 13, 2008 5:39 PM
To: WERNICKE Stephan (COMP)
Subject: Intel Case

Cher Monsieur,

L'UFC Que Choisir remercie à nouveau Madame le Conseiller auditeur, ainsi que vous-même, de nous avoir donné l'occasion de pouvoir intervenir dans l'affaire INTEL.

Je souhaite vous demander si nous avlons encore la possibilité de faire des commentaires écrits ? Dans l'affirmative, dans quels délais devons-nous le faire ?

Je reste également à votre entière dispositions pour toute information complémentaire.

Très cordialement,

Marie-Claude AMPHOUX
Membre du Service Juridique
Droit européen
UFC Que Choisir
233, Boulevard Voltaire
F - 75011 Paris
00.33.(0)1.44.93.19.53

EXHIBIT 3

[Translation from French]

Marie-Claude Amphoux

From: Brice Allibert
Sent: Friday 14 March 2008 11:00
To: mcamphoux@quechoisir.org

Cc: [as original]

Subject: Case COMP – C3/37990 – Intel

Dear Madam

The Hearing Officer has passed me your E-mail of 13 March in which you asked him if it is possible for UFC-Que Choisir to send to the Commission its written observations on the summary Statement of Objections which has been sent to it in the case COMP-C3/37990 – Intel. I can confirm that UFC-Que Choisir may indeed send its written observations to the Commission.

I apologise for not having been sufficiently precise in this regard in our covering letter accompanying the summary Statement of Objections.

We should be grateful if you would send any observations to the Commission within 14 days from the end of the administrative hearing, that is, before 26 March 2008.

Yours faithfully

Brice Allibert
European Commission
DG Competition – unit C3
B-1049 Brussels

From: Marie-Claude Amphoux
Sent: Thursday March 13 2008 5:39 pm
To: WERNICKE Stephan (COMP)
Subject: Intel Case

Dear Sir

UFC-Que Choisir would like to thank the Hearing Officer once again, as well as yourself, for having given us the opportunity to be able to intervene in the Intel case.

I should like to ask you if we are still able to make written observations? If so, within what time period should we do this?

I am also at your complete disposal should you require any further information.

Sincerely yours

Marie Claude Amphoux
Legal Service
European Law
[rest as original]