

Consent under section 72(3C) of the Enterprise Act 2002 to certain actions for the purposes of the Initial Enforcement Order made by the Competition and Markets Authority ('CMA') on 15 February 2018

Completed acquisition by Medtronic plc of certain assets of Animas Corporation.

We refer to your recent correspondence requesting that the CMA consents to derogations to the Initial Enforcement Order of 15 February 2018 as varied on 28 February 2018 (the 'Initial Order'). The terms defined in the Initial Order have the same meaning in this letter.

Under the Initial Order, save for written consent by the CMA, Medtronic, Medtronic UK, J&J, and J&J UK are required to hold separate the Animas insulin delivery business from Medtronic business and refrain from taking any action which might prejudice a reference under section 22 of the Act or impede the taking of any remedial action following such a reference.

After due consideration of Medtronic's and J&J's request for derogations from the Initial Order, based on the information received from you and in the particular circumstances of this case, Medtronic, Medtronic UK, J&J and J&J UK may carry out the following actions, in respect of the specific paragraphs set out below.

1. Paragraphs 5(l) and 5(g)

The CMA accepts to grant a derogation from the requirements in paragraphs 5(l) and 5(g) of the Initial Order to permit Medtronic/Medtronic UK to supply only those NHS trusts listed in annex 1 with J&J consumables as contemplated for transfer under the U.K. Country Transfer Agreement or APA for use in the U.K. This is on the basis that these NHS Trusts consented to being supplied with J&J consumables by Medtronic prior to the Commencement Date of the Initial Order.

The CMA also accepts to grant a derogation to allow the exchange of patient contact details between Medtronic, Medtronic UK, J&J and J&J UK only for the NHS trusts listed in annex 1, on the basis that these details are necessary to be able to supply the patients with J&J consumables. For the avoidance of doubt, the patient contact details exchanged pursuant to this derogation cannot be used by Medtronic for any other purpose.

Annex 1 – list of NHS trusts which consented to being supplied with consumables by Medtronic prior to the Commencement Date of the Initial Order.

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