

Consent under section 81 of the Enterprise Act 2002 to certain actions for the purposes of the Interim Order made by the Competition and Markets Authority ('CMA') on 18 February 2019

Completed acquisition by Tobii AB of Smartbox Assistive Technology Limited and Sensory Software International Ltd

We refer to your emails dated 23 August 2019 and 19 September 2019 requesting that the CMA consents to derogations to the Interim Order of 18 February 2019.

The terms defined in the Interim Order have the same meaning in this letter.

Under the Interim Order, except with the prior written consent of the CMA, Tobii Dynavox is required to hold separate the Tobii business from the Smartbox and Sensory Software businesses 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 your request for derogations from the Interim Order, based on the information received from you and in the particular circumstances of this case, Tobii and Smartbox may carry out the following actions, in respect of the specific paragraphs:

Paragraphs 5(c), 5(d) and 5(f) of the Interim Order

The CMA understands that Tobii Dynavox's long-term business plans require that it shuts down its Bergen office and consolidates assets and staff to other offices wherever possible. The CMA understands that the closure of the Bergen office will have a minimal impact on the Tobii Dynavox business and that the closure of the Bergen office will not have an impact on the Smartbox business and the CMA's ability to implement the final remedy described in the CMA's final report dated 15 August 2019.

Therefore, on this basis and in order to enable the effective and efficient closure of the Bergen office, the CMA grants consent for Tobii Dynavox to commence the closure of the Bergen office and to move its assets and staff from the Bergen office as required to facilitate the closure of the Bergen office, subject to the following conditions that:

1. Tobii will keep the CMA informed of the closure and notify it of its completion;
2. the closure of the Bergen office will be undertaken in a timely and efficient manner so as to cause minimal disruption to the Tobii Dynavox business; and
3. the closure of the Bergen office will not have an impact on the Smartbox business or the CMA's ability to implement the final remedy described in the CMA's final report dated 15 August 2019.

Kip Meek

Inquiry Chair

23 September 2019