

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 email dated 17 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 is required to hold separate the Tobii business from the Smartbox and Sensory Software businesses (together "**Smartbox**"), 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, Smartbox may carry out the following actions, in respect of the specific paragraphs:

Paragraphs 5(d) and 5(j) of the Interim Order

The CMA understands that in order to ensure the ongoing viability of the Smartbox business, Smartbox is requesting a derogation from the Interim Order to create a new permanent role [X].

The CMA understands that as a result of this appointment, [X] and that Smartbox is requesting a derogation from the Interim Order to permit the departure of the current [X].

On the basis outlined above, the CMA grants consent for Smartbox to appoint a new [X] and consents to the departure of the current [X], subject to [X] entering into a non-disclosure agreement in a form approved by the CMA not to disclose Smartbox's confidential and competitively sensitive information.

Kip Meek
Inquiry Chair
20 September 2019