

## **REFERENCE RELATING TO THE COMPLETED ACQUISITION BY TOBII AB OF SMARTBOX ASSISTIVE TECHNOLOGY LIMITED AND SENSORY SOFTWARE INTERNATIONAL LIMITED**

### **Notice of extension under section 41A(2) of the Enterprise Act 2002 of the period for the discharge of the duty under s41(2) of the Enterprise Act 2002**

1. On 8 February 2019, the Competition and Markets Authority (CMA), in exercise of its duty under section 22(1) of the Enterprise Act 2002 (the Act), referred the completed acquisition by Tobii AB of Smartbox Assistive Technology Limited and Sensory Software International Limited for further investigation and report by a Group of CMA Panel Members (the Inquiry Group). The period within which the report on this reference was to be prepared and published (the reference period) was originally due to expire on 25 July 2019 and was extended to 19 September 2019.
2. On 15 August 2019, the Inquiry Group appointed to consider this reference published its Final Report.
3. On 13 September 2019, Tobii made an application to the Competition Appeal Tribunal (the CAT) pursuant to section 120 of the Act for a review of the CMA's decision in the Final Report. The hearing of that application is listed for 6 to 8 November 2019.
4. On 2 October 2019, the CMA published a Notice of Proposal to make an Order to discharge the statutory duty set out in section 41(2) of the Act. The statutory period for the CMA either to accept final Undertakings or make a final Order ends on 7 November 2019.
5. The Inquiry Group has decided to extend by six weeks under section 41A(2) of the Act the period for the discharge of its duty under section 41(2) of the Act, as it considers that there are special reasons to do so (set out below). The revised period will therefore end on 19 December 2019. However, the Inquiry Group aims to discharge its duty as soon as possible and in advance of this date.

6. In taking this decision, the Inquiry Group had regard to the fact that the statutory deadline under section 41A(1) of the Act is due to expire during the hearing of Tobii's application to the CAT (which is being heard between 6 November and 8 November 2019).

Kip Meek

*Inquiry Group Chair*

6 November 2019