

Consent under the Tobii AB (publ) and Smartbox Enforcement Order 2019 made by the Competition and Markets Authority ('CMA') on 19 December 2019

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

We refer to your email dated 31 March 2020 requesting that the CMA consents to derogations to the Tobii AB (publ) and Smartbox Enforcement Order 2019 (the “**Enforcement Order**”) of 19 December 2019. The terms defined in the Enforcement Order have the same meaning in this letter.

Under the Enforcement Order, except with the prior written consent of the CMA, Tobii AB (publ) (“**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 the Effective Divestiture, the CMA’s decisions in the Final Report or otherwise impair the CMA’s ability to take such action for the purpose of remedying, mitigating or preventing the SLC or any adverse effect which has resulted from, or may be expected to result from, the SLC findings.

After due consideration of your request for derogations from the Enforcement 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 4.2(b), 4.2(c) and 4.2(g) of the Enforcement Order

The CMA understands that in light of the COVID-19 outbreak, it is necessary for Smartbox to take certain mitigating actions for the purpose of preserving the Smartbox business and maintaining it as a going concern.

The CMA understands that it is necessary for Smartbox to take the following mitigating actions, which are detailed in Smartbox’s e-mail to the CMA of 31 March 2020 (the “**Mitigating Actions**”):

- cancellation of certain discretionary activity;
- suspension of [X] (both Development Projects);
- reduction or redistribution of payments for [X];
- reduction of working time for [X]; and
- furlough for [X].

The CMA grants a derogation permitting Smartbox to take the Mitigating Actions (or as amended with the prior written consent of the CMA) on the basis of Smartbox’s representations that these actions are necessary for the purpose of preserving the Smartbox

business and that these actions are temporary and can be easily reversed if the current situation improves.

Kip Meek

Remedies Implementation Group Chair

1 April 2020