



Determination of the Competition Authority

Determination No. M/03/023 of the Competition Authority, dated 13 August 2003, under Section 21 of the Competition Act, 2002

Notification No. M/03/023 – Acquisition of shares in Bio-Medical Research Ltd by the Bank of Scotland (Ireland) Limited (BOSI), through its subsidiaries ICC Equity Partners Limited and ICC Enterprise Partners Limited.

Introduction

1. On 24 July 2003 the Competition Authority, in accordance with Section 18(1) of the Competition Act, 2002 (“the Act”) was notified, on a mandatory basis, of a proposal whereby the Bank of Scotland (Ireland) Limited (BOSI), through its subsidiaries ICC Equity Partners Limited (ICC Equity Partners) on behalf of ICC Private Equity Investment Fund and ICC Private Equity Parallel Fund, and ICC Enterprise Partners Limited (ICC Enterprise Partners) on behalf of the ICC Regional Fund would acquire control (within the meaning of the Act) of Bio-Medical Research Ltd (BMR) through the acquisition of shares by subscription.

The Parties

2. BMR designs, manufactures and distributes Electrical Muscle Stimulation (EMS) equipment and Transcutaneous Electrical Nerve Stimulation (TENS) equipment in Ireland. This equipment is used in body shaping products and medical devices. BMR is comprised of two business divisions, Slendertone and Neurotech. Through its Slendertone division, BMR designs, manufactures and sells consumer products for body shaping and other products such as a product designed for facial toning. It designs, manufactures and markets medical devices for use in Orthopaedics, Neurology, Urology, Sports, Pain Clinics and Obstetrics through its Neurotech division.
3. ICC Equity Partners is a wholly owned subsidiary of Bank of Scotland (Ireland) Limited (BOSI). BOSI is a subsidiary within the HBOS Group. It is the general partner and manager of the venture capital funds, ICC Private Equity Investment Fund and ICC Private Equity Parallel Fund.
4. ICC Enterprise Partners is also a wholly owned subsidiary of Bank of Scotland (Ireland) Limited (BOSI). It is the general partner and manager of the venture capital fund, ICC Regional Fund.

Analysis

5. ICC Equity Partners, ICC Enterprise Partners, the funds managed by these companies and the other members of the HBOS Group do not have any interests related to the design, manufacture or distribution of EMS or TENS equipment. Accordingly, the acquisition will not effect the level of competition in the design, manufacture or sale of these products, or other products or services in the State.



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Determination

The Competition Authority, in accordance with Section 21(2) of the Competition Act, 2002, has determined that, the result of the proposed acquisition will not be to substantially lessen competition in markets for goods and services in the State and, accordingly, that the acquisition may be put into effect.

For the Competition Authority

Terry Calvani
Member of the Competition Authority

13 August 2003