

Dear interested party

As you may be aware, EBOS Group proposes to acquire Pacific Health Group (which includes LifeHealthcare and Australian Biotechnologies). We are seeking your views on this proposal because we understand you have an interest in markets that may be affected.

The Australian Competition and Consumer Commission (**ACCC**) is an independent statutory authority responsible for investigating whether mergers are likely to substantially lessen competition. You can view the public register page **here**.

EBOS is an ASX and NZX listed Australasian marketer, wholesaler and distributor of medical products. Pacific Health Group comprises interests in two businesses that have a presence in Australia, being LifeHealthCare and Australian Biotechnologies and is a manufacturer and distributor of allografts and distributor of medical devices.

Please see our specific questions below and also address any other issues you think are relevant. We would be happy to receive your response by email or have a discussion with you over the phone or via Microsoft Teams.

If you would like to comment in writing, please do so by **31 January 2022** by return email. Alternatively, call Eado Varon on 03 9910 9415 or Ben Roberts on 03 9290 1497, if you prefer to set up a time to discuss or if you need more time to respond.

Questions

1. Please provide a brief description of your organisation, and the reasons for your interest in the proposed acquisition, including any commercial relationship/s with EBOS or Pacific Health Group. This will help us to better understand your views.
2. How competitive are the markets for the manufacturing and distribution of the following medical devices to clinicians or hospitals in Australia:
 - a. cervical disc replacements
 - b. allografts and synthetic biologics (either separately or jointly), and
 - c. any other medical devices in which both EBOS and Pacific Health Group are active in Australia.

In particular, we are interested to understand who the key manufacturers and distributors of these devices are in Australia, and how different manufacturers and distributors compare based on factors including price, service quality and market share.

3. To what extent are allografts and synthetic biologics substitutable?
4. What ability do manufacturers or distributors have to set or influence the prices of medical devices sold in Australia?
5. How easy is it for customers to switch between brands of cervical discs, allografts or synthetic biologics?
6. Are any of the medical devices manufacturers or distributed by the parties 'must haves' (or otherwise highly desirable), including for hospitals, medical practitioners or patients?
7. Are there any benefits to purchasing or supplying medical devices in a bundle, particularly in relation to the supply of allografts and synthetic biologics?
8. To what extent can customers bypass manufacturers or distributors such as EBOS and Pacific Health Group, and obtain medical devices directly from manufacturers, including overseas manufacturers?
9. Please describe the relationship between medical device manufacturers and distributors. In your answer, please discuss whether distributors and manufacturers focus on

particular therapeutic areas, how manufacturers choose distributors, the level of competition and the extent of exclusive supply arrangements.

10. Do you have any concerns with the proposed acquisition? Please provide reasons for this view.

Please clearly indicate if any information you provide is confidential. The ACCC treats sensitive information it receives during a merger review as confidential and will not publish your submission. We will not disclose submissions to third parties (except our advisors/consultants) unless compelled by law (for example, under freedom of information legislation or during court proceedings) or in accordance with s155AAA of the Competition and Consumer Act 2010. Where the ACCC is required to disclose confidential information, we will notify you in advance where possible so that you have an opportunity to be heard. Our [Informal Merger Review Process Guidelines](#) contain more information on confidentiality.

This matter is public and you can forward this email to anybody who may be interested.

If you have any questions, please contact Eado Varon on 03 9910 9415 or Ben Roberts on 03 9290 1497.

Regards,

Ben Roberts

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