



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 172

2011

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED MERGER

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:

PROPOSED MERGER NOTICE – AON SOUTH AFRICA (PROPRIETARY) LIMITED //
GLENRAND MIB NAMIBIA (PROPRIETARY) LIMITED
CASE NO.: 2011MAR0062MER

1. The Commission has received notification of the abovementioned proposed merger on **25 March 2011**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's approval of the merger without conditions is based on grounds that there is no material evidence of anti-competitive nature. In terms of the merger determination criteria as set out in section 47(2) of the Competition Act, 2003, the merger is not likely *to prevent or lessen competition or restrict trade* in the relevant market. The structure of the relevant markets will not change or be altered as a result of the transaction.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 29 April 2011

NAMIBIAN COMPETITION COMMISSION

No. 173

2011

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED MERGER

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:

PROPOSED MERGER NOTICE – PHILDOU PROPERTIES CC//PHILDOU
ARCHIVING SERVICES TRUST
CASE NO.: 2011FEB0059MER

1. The Commission has received notification of the abovementioned proposed merger on **1 FEBRUARY 2011**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on grounds that the proposed transaction is not likely to prevent or lessen competition in Namibia, as envisaged by section 47(2) of the Competition Act, 2003.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 29 April 2011

NAMIBIAN COMPETITION COMMISSION

No. 174

2011

**NOTICE OF DETERMINATION MADE BY COMMISSION
IN RELATION TO PROPOSED MERGER**

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:

(Name and file number of proposed merger:)

**PROPOSED MERGER NOTICE – FREE AIR SPORTS CENTRE CLOSE CORPORATION t/a
FREE AIR GUEST HOUSE//MRS. BEATE RAITH
CASE NO.: 2011MAR0061MER**

1. The Commission has received notification of the abovementioned proposed merger on **7 March 2011**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's approval of the merger without conditions is based on grounds that there is no material evidence of anti-competitive nature. In terms of the merger determination criteria as set out in section 47(2) of the Competition Act, 2003, the merger is not likely *to prevent or lessen competition or restrict trade* in the relevant market. The structure of the relevant markets will not change or be altered as a result of the transaction.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*

- (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 29 April 2011

NAMIBIAN COMPETITION COMMISSION

No. 175

2011

**NOTICE OF DETERMINATION MADE BY COMMISSION
IN RELATION TO PROPOSED MERGER**

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:

**PROPOSED MERGER NOTICE – JD GROUP LIMITED//UNITRANS MOTORS ENTERPRISE
(PTY) LIMITED AND STEINHOFF DOORS AND BUILDING MATERIALS (PTY) LIMITED
CASE NO.: 2011APR0063MER**

1. The Commission has received notification of the abovementioned proposed merger on 7 **April 2011**.
2. Please note that the Commission has approved the proposed merger subject to a condition on employment.
3. The reasons for the conditional approval of the proposed merger are as follows:
 - 3.1 This condition was assessed in line with Section 47(2)(e) of the Competition Act, 2003, dealing with the promotion of employment and the extent to which this transaction is likely to affect employment. In addition, the parties themselves made a commitment in their Schedule 1 of Form 38 that the proposed transaction will not result in any retrenchments.
 - 3.2 The merged entity shall ensure the commitment of no retrenchments as a result of the merger in relation to the business of Pennypinchers Stores and Hertz Car Rental over a period of twelve (12) months.
 - 3.3 This condition does not apply to management of the subsidiaries of the target undertakings in Namibia.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if:
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 29 April 2011

NAMIBIAN COMPETITION COMMISSION

No. 176

2011

**NOTICE OF DETERMINATION MADE BY COMMISSION
IN RELATION TO PROPOSED MERGER**

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:
**PROPOSED MERGER NOTICE – PLAN B CONSULTING CLOSE
CORPORATION//JUMABO PROPERTY
CASE NO.: 2011MAR0061MER**

1. The Commission has received notification of the abovementioned proposed merger on **7 March 2011**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on grounds that the proposed transaction does not raise any competition concerns that may lead to substantial lessening of competition or negate public interest issues in the Walvis Bay market. In terms of the merger determination criteria as set out in section 47(2) of the Competition Act, 2003, the merger is not likely *to prevent or lessen competition or restrict trade* in the relevant market of property owning and leasing.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

**L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

Windhoek, 29 April 2011

NAMIBIAN COMPETITION COMMISSION

No. 177

2011

**NOTICE OF DETERMINATION MADE BY COMMISSION
IN RELATION TO PROPOSED MERGER**

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:
**PROPOSED MERGER NOTICE – FREEWORLD PLASCON NAMIBIA (PTY) LIMITED//
KANSAI PAINT COMPANY LIMITED
CASE NO.: 2011JAN0058MER**

1. The Commission has received notification of the abovementioned proposed merger on **23 February 2011**.
2. Please note that the Commission has **approved the proposed merger with conditions**.
3. **The conditional approval of the proposed merger is subject to the conditions listed below:**
 - (a) That Kansai honours its commitment to retain and expand Freeworld's manufacturing facility in Windhoek and improve its efficiency.
 - (b) That Kansai honours its commitment to ensure that the merger will not result in any retrenchments at Freeworld Namibia within 24 months from the date of implementation of the transaction. This condition applies to employees, but excludes management of Freeworld Plascon Namibia (Pty).
4. **The reasons for the conditional approval of the proposed merger are as follows:**
 - (a) The first condition is imposed to safeguard the local paint manufacturing industry, in line with section 47(2) (d) of the Competition Act, 2003. The Commission is further mindful that the proposed merger is likely to benefit research and development, technical efficiency and increased production in the local paint industry, as envisaged in section 47(2)(h) of the Act. The merger parties themselves have also recognized the importance of local manufacturing and have made a commitment in their merger notification to retain and expand Freeworld's manufacturing facility in Windhoek.
 - (b) The second condition is imposed as a public interest consideration by virtue of Section 47(2)(e) of the Competition Act read together with section 2(c) which deals with the promotion of employment. Moreover, Kansai itself has made a commitment in Schedule 1 of Form 38 of its merger notification that the proposed merger will not result in any retrenchments at Freeworld Namibia.
5. The Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 31 May 2011

NAMIBIAN COMPETITION COMMISSION

No. 178

2011

**NOTICE OF DETERMINATION MADE BY COMMISSION
IN RELATION TO PROPOSED MERGER**

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:
(Name and file number of proposed merger:)
**PROPOSED MERGER NOTICE – GLOBAL PETROLEUM LIMITED // JUPITER
PETROLEUM NAMIBIA LIMITED
CASE NO.: 2011APR0066MER**

1. The Commission has received notification of the abovementioned proposed merger on **28 April 2011**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. Commission's approval of the merger without conditions is based on grounds that the effect of the transaction in Namibia does not pose any competitive concerns as petroleum exploration activities does not produce instant goods and services for sale to cause market concerns in the relevant product and market. In terms of the merger determination criteria as set out in terms of section 47(2) of the Competition Act, 2003, the merger is not likely *to prevent or lessen competition or restrict trade* in Namibia. Commission was furnished with a letter by Theunissen Louw & Partners confirming that no person holds competing rights in the exploration area conferred in terms of the licence.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

**L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

Windhoek, 31 May 2011

NAMIBIAN COMPETITION COMMISSION

No. 179

2011

**NOTICE OF DETERMINATION MADE BY COMMISSION
IN RELATION TO PROPOSED MERGER**

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:
(Name and file number of proposed merger:)
**PROPOSED MERGER NOTICE – DIVERSE DISTRIBUTION AND MARKETING SERVICES
CLOSE CORPORATION // JN SHAH, IR THOMSON AND KR SHAH
CASE NO.: 2011JAN0057MER**

1. The Commission has received notification of the abovementioned proposed merger on **24 January 2011**.
2. Please note that the Commission has **approved the proposed merger without conditions**.

3. The Commission's approval of the proposed merger without conditions is based on grounds that there is no material evidence of anti-competitive nature. In terms of the merger determination criteria as set out in section 47(2) of the Competition Act, 2003, the merger is not likely *to prevent or lessen competition or restrict trade* in the relevant market. The structure of the relevant markets will not change or be altered as a result of the transaction.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 31 May 2011

NAMIBIAN COMPETITION COMMISSION

No. 180

2011

**NOTICE OF DETERMINATION MADE BY COMMISSION
IN RELATION TO PROPOSED MERGER**

Competition Act, 2003 (Act No. 2 of 2003)
(Section 47(7), Rule 30)

Concerning:

(Name and file number of proposed merger:)

**PROPOSED MERGER NOTICE – NAMIBIA STATIONERY WHOLESALER CLOSE
CORPORATION // A.P RANGASWAMY
CASE NO.: 2011MAR0060MER**

1. The Commission has received notification of the abovementioned proposed merger on **3 March 2011.**
2. Please note that the Commission has **approved the proposed merger without conditions.**
3. Commission's approval of the merger without conditions is based on grounds that there is no material evidence of anticompetitive nature as a result of the transaction. In terms of the merger determination criteria as set out in terms of section 47(2) of the Competition Act, 2003, the merger is not likely *to prevent or lessen competition or restrict trade* in Namibia given that there are no regulatory barriers to entry in the provision of stationery.
4. Note that the Commission has the authority in terms of section 48(1) of the Act to revoke a decision approving the implementation of a proposed merger if-
 - (a) *the decision was based on materially incorrect or misleading information for which a party to the merger is responsible; or*
 - (b) *Any condition attached to the approval of the merger that is material to the implementation is not complied with.*

L. MURORUA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 31 May 2011