



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 254

2012

NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: SATINSKY 139 (PTY) LTD // KATIMA MULILO
PROPERTIES (PTY) LTD
CASE NO.: 2012JUNE0036MER

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

1. The Commission has received notification of the abovementioned proposed merger on **7 June 2012**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on the grounds that the proposed transaction raises no competition concerns or public interest concerns that could be detrimental to the Namibian economy, 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

NAMIBIAN COMPETITION COMMISSION

No. 255

2012

NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: THE INDUSTRIAL DEVELOPMENT CORPORATION OF SOUTH
AFRICA LTD // SCAW SOUTH AFRICA (PROPRIETARY) LTD AND CONSOLIDATED WIRE
INDUSTRIES / AFRICAN WIRE ROPES LTD

CASE NO.: 2012MAY0034MER

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

1. The Commission has received notification of the abovementioned proposed merger on **29 May 2012**.
2. Please note that the Commission has **approved the proposed merger without conditions**.

3. The Commission's decision is based on the grounds that the proposed transaction raises no competition concerns or public interest concerns that could be detrimental to the Namibian economy, 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

NAMIBIAN COMPETITION COMMISSION

No. 256

2012

**NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: ABW TRUST // ATLANTIC BRICKWORKS (PTY) LTD
CASE NO.: 2012JUNE0043MER**

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

1. The Commission has received notification of the abovementioned proposed merger on **20 June 2012**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on the grounds that the proposed transaction is not likely to substantially 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

NAMIBIAN COMPETITION COMMISSION

No. 257

2012

**NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: THE VT TRUST // VON TIPPELSKIRCH CO NACHF G.M.B.H
CASE NO.: 2012JUNE0041MER**

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

1. The Commission has received notification of the abovementioned proposed merger on **14 June 2012**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on the grounds that the proposed transaction is not likely to substantially 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**

NAMIBIAN COMPETITION COMMISSION

No. 258

2012

**NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: HEWEPA (PTY) LTD // THE VT TRUST
CASE NO.: 2012JUNE0042MER**

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

1. The Commission has received notification of the abovementioned proposed merger on **14 June 2012**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on the grounds that the proposed transaction raises no competition concerns or public interest concerns that could be detrimental to the Namibian economy, 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

NAMIBIAN COMPETITION COMMISSION

No. 259

2012

**NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: MR. W. W. GOSSOW // WWG TRUST
CASE NO.: 2012JUNE0040MER**

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

1. The Commission has received notification of the abovementioned proposed merger on **20 June 2012**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on the grounds that the proposed transaction is not likely to substantially 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

NAMIBIAN COMPETITION COMMISSION

No. 260

2012

**NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: VKE NAMIBIA CONSULTING ENGINEERS (PTY) LTD //
SMEC INTERNATIONAL (PTY) LTD
CASE NO.: 2012JUNE0039MER**

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

1. The Commission has received notification of the abovementioned proposed merger on **13 June 2012**.

2. Please note that the Commission has **approved the proposed merger without conditions.**
3. The Commission's decision is based on the grounds that the proposed transaction is not likely to substantially 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

NAMIBIAN COMPETITION COMMISSION

No. 261

2012

NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: KISHI LEGAL PRACTITIONERS // DR. WEDER KAUTA & HOVEKA
INC
CASE NO.: 2012JUNE0038MER

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

1. The Commission has received notification of the abovementioned proposed merger on **8 June 2012.**
2. Please note that the Commission has **approved the proposed merger without conditions.**
3. The Commission's decision is based on the grounds that the proposed transaction is not likely to substantially 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

NAMIBIAN COMPETITION COMMISSION

No. 262

2012

NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: AVI LIMITED // GREEN CROSS MANUFACTURES (PROPRIETARY)
LIMITED, GREEN CROSS PROPERTIES (PTY) LTD, GREEN CROSS RETAIL HOLDINGS
(PTY) LTD

CASE NO.: 2012MAY0035MER

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

1. The Commission has received notification of the abovementioned proposed merger on **30 May 2012**.
2. Please note that the Commission has **approved the proposed merger without conditions**.
3. The Commission's decision is based on the grounds that the proposed transaction is not likely to substantially 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

NAMIBIAN COMPETITION COMMISSION

No. 263

2012

NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO
PROPOSED MERGER: DCD-DORBYL (PROPRIETARY) LTD // ELGIN BROWN AND
HAMER GROUP HOLDINGS (PTY) LTD
CASE NO.: 2012FEB0010MER

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

1. The Commission has received notification of the abovementioned proposed merger on **6 February 2012**.
2. Please note that the Commission has approved the proposed merger with the following condition:
 - i) *That Namport commits to make space available both in water and on land in Walvis Bay by 31 December, 2014, for the construction and operation of an*

additional floating dock facility for ship and/or rig repairs by any undertaking/ other than the merging parties.

- ii) *The Merged Entity shall ensure that there are no retrenchments, based on the Merged Entity's operational requirements in Namibia, resulting from the Transaction, for a period of two years from the effective date of the Transaction*

The Commission's decision on the first condition is based on the grounds that the proposed transaction is likely to substantially prevent or lessen competition in Namibia, especially in the Port Sector, the extent to which it may restrict trade or the provision of any service of the general ship and rig repair markets on a post merger basis as envisaged by Section 47(2) (a) of the Competition Act, 2003.

The provision of the second condition is based on the grounds of the Competition Act, in particular Section 47 (2) (e) the extent to which the merger has public interests consideration relating to a high level of employment at the Port Sector and the implications it has on the overall economy of that sector.

For the sake of clarity, retrenchments do not include, voluntary retrenchment and/or voluntary separation arrangements; voluntary early retirement packages; retrenchments which are not merger specific; and merger specific retrenchments agreed with the NaCC in writing after approval of the merger, in the event that EBH Namibia experiences unforeseeable, unavoidable and exigent economic circumstances which necessitates such retrenchments.

3. The Commission's decision is based on the grounds that the proposed transaction is likely to substantially prevent or lessen competition in Namibia, as envisaged by Section 47(2) of the Competition Act, 2003. The Conditions are therefore imposed to mitigate the adverse impact that the merger may have on the general ship and rig repair markets to improve competitiveness within the relevant markets 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
