



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 323

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: ULF DIETER-KURT JACOBSEN t/a JAN JONKER HOLIDAY APARTMENTS
WINDHOEK // JOSE DOS SANTOS
CASE NO.: 2013JUNE0025MER

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

1. The Commission received notification of the abovementioned proposed merger on **18 June 2013**.

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 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.*

F. HANGULA
ACTING CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 23 July 2013

NAMIBIAN COMPETITION COMMISSION

No. 324

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: NAMOX NAMIBIA (PTY) LTD // LPG BUSINESS OF PUMA ENERGY
NAMIBIA (PTY) LTD
CASE NO.: 2013APR0019MER**

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

1. The Commission received notification of the abovementioned proposed merger on **26 April 2013.**
2. Please note that the Commission has **prohibited the proposed merger.**
3. The reasons for the prohibition of the proposed merger are:
 - The proposed merger would result in the increase level of concentration in the relevant market. The combined market share of the acquiring undertaking in the proposed merger would result in the significant increased level of concentration in the relevant market. Therefore the proposed merger is likely to substantially lessen or prevent competition in the market for the supply and distribution of liquid petroleum gas (LPG) in Namibia as contemplated in section 47 (2) (a) of the Act.
 - There are currently three competitors in the market for the distribution and supply of LPG in Namibia. The proposed acquirer belongs to undertakings that currently controls a significant share of the Namibian LPG market. Given the dominance of the acquiring undertaking, the Commission concludes that the merger will result in the undertakings involved in this transaction acquiring and strengthening a dominant position in the relevant market, as contemplated in section 47 (2) (b) of the Act.
 - The Commission is concerned with the effect the proposed merger is likely to have on small and medium sized undertakings, in particular small undertakings owned or controlled by historically disadvantaged persons to enter and expand within the relevant market post merger. The merged entity will have a significant dominant position in the market and Commission is of the view that it will be difficult for

small undertakings to enter and expand within the relevant market. The proposed merger is therefore likely to affect the ability of small undertakings, in particular small undertakings owned or controlled by historically disadvantaged persons, to gain access to or be competitive in the relevant market as contemplated in section 47 (2) (f) of the Act.

F. HANGULA
ACTING CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 23 July 2013

NAMIBIAN COMPETITION COMMISSION

No. 325

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: MORBEI TRADE AND INVEST 180 (PTY) LTD // METCASH TRADING
NAMIBIA (PTY) LTD
CASE NO.: 2013JUNE0023MER

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

1. The Commission received notification of the abovementioned proposed merger on **10 June 2013**.
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 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.*

F. HANGULA
ACTING CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 23 July 2013

NAMIBIAN COMPETITION COMMISSION

No. 326

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: FS AFRICA LIMITED// LONRHO PLC
CASE NO.: 2013JUNE0024MER

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

1. The Commission received notification of the abovementioned proposed merger on **19 June 2013**.
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 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.*

F. HANGULA
ACTING CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 17 July 2013

NAMIBIAN COMPETITION COMMISSION

No. 327

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: ASPEN NUTRITIONALS ("ASPEN") // PFIZER NUTRITION SA ("PFIZER")
CASE NO.: 2013MAY0022MER**

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

1. The Commission received notification of the abovementioned proposed merger on **24 May 2013**.
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 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.*

F. HANGULA
ACTING CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

Windhoek, 23 July 2013
