



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 80

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: LÜDERITZ WATERFRONT HOUSING COMPANY (PTY) LTD //
SEAFLOWER WHITEFISH CORPORATION LIMITED
CASE NO.: 2012DEC0093MER

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 **17 December 2012**.
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.*

F. HANGULA

ACTING CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 81

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER MATRIX ONE-TWO-ONE COMMODITY MARKETING (PTY) LTD //
SAND CITY TWENTY FOUR INVESTMENTS (PTY) LTD
CASE NO.: 2013JAN0003MER

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

1. The Commission received notification of the abovementioned proposed merger on **25 January 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**

NAMIBIAN COMPETITION COMMISSION

No. 82

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: NAMIBIA RESCUE SERVICES (PTY) LTD t/a E-MED RESCUE 24 //
INTERNATIONAL SOS NAMIBIA (PTY) LTD AND NEWCO
CASE NO.: 2012OCT0076MER

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

1. The Commission received notification of the abovementioned proposed merger on **29 October 2012**.
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 increased level of concentration in the relevant market. The proposed merger also involves the removal of an effective competitor in the relevant market, leaving the merged undertaking without a**

formidable competitor post-merger. The proposed merger is therefore likely to prevent or lessen competition in the market for the provision of emergency medical evacuation services based on the criteria set out in section 47 (2) (a) of the Act.

- The parties to the proposed merger are the two biggest competitors in the market and therefore the proposed merger would result in the post-merger undertaking (Newco) to acquire and strengthen a dominant position in the relevant market, based on the criteria set out in section 47 (2) (b) of the Act.
- The alleged benefits to the public (increased national foot print) do not outweigh the detriment which would likely result from the undertaking to the transaction acquiring a dominant position in the market based on the criteria set out in section 47 (2) (c) of the Act.
- Barriers to entry in the relevant market are high and small undertakings, in particular small undertakings owned or controlled by historically disadvantaged persons, are not likely to gain access to or be competitive in the relevant market based on the criteria set out in section 47 (2) (f) of the Act.

F. HANGULA

ACTING CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 83

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO
PROPOSED MERGER JACOBUS HENDRIK OOSTHUIZEN TRADING AS OK GROCER
KEETMANSHOOP // MODEL PICK N PAY
CASE NO.: 2013JAN0004MER

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

1. The Commission received notification of the abovementioned proposed merger on **28 January 2013**.
2. Please note that the Commission has **approved the proposed merger with the following conditions:**
 - i. That the merged entity shall honour its commitment to re-employ at least 90% of the current 51 employees who were retrenched by Jacobus Hendrik Oosthuizen trading as OK Grocer Keetmanshoop within 2 months from the date of implementation of the proposed transaction.*
 - ii. That should there be employment required post-merger, the acquiring undertaking should give the first opportunity to those who are retrenched to re-apply.*
3. The conditions are assessed in line with Section 47(2) (e) of the Competition Act to the extent to which this proposed merger would be likely to affect employment given the high unemployment rate in the country, read together with section 2 (c) dealing with promotion of employment.

The conditions are also consistent with the written confirmation of the acquiring undertaking, Model Pick 'n Pay which is stated in Schedule 1 of Form 38 of its merger notification to

increase the current employees of the target undertaking, Jacobus Hendrik Oosthuizen trading as OK Grocer Keetmanshoop from 58 to 67 employees.

With respect to the monitoring of the conditions imposed, the merged entity shall, therefore report within 2 months to the Commission on the employment situation of all employees affected as a result of this merger.

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

NAMIBIAN COMPETITION COMMISSION

No. 84

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER OVERBERG FISHING COMPANY (PTY) LTD //
ANTON PRETORIUS AND TWO OTHERS
CASE NO.: 2012DEC0092MER**

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

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

NAMIBIAN COMPETITION COMMISSION

No. 85

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER PRO-TRADE AGENCIES NAMIBIA // TAEUBER & CORSSSEN SWA (PTY) LTD
CASE NO.: 2012NOV0089MER**

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

1. The Commission received notification of the abovementioned proposed merger on **29 November 2012**.
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**

NAMIBIAN COMPETITION COMMISSION

No. 86

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: RAUBEX GROUP LIMITED // TOSAS HOLDINGS (PTY) LTD
CASE NO.: 2013JAN0001MER**

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 **16 January 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 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

NAMIBIAN COMPETITION COMMISSION

No. 87

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER ROMTEETZ INVESTMENTS CC // REMA TIP TOP NAMIBIA (PTY) LTD
CASE NO.: 2012NOV0081MER**

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

1. The Commission received notification of the abovementioned proposed merger on **7 November 2012**.
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

NAMIBIAN COMPETITION COMMISSION

No. 88

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: SOUTHEY HOLDINGS (PTY) LTD //
SOUTHEY GROUP INVESTMENTS (PTY) LTD
CASE NO.: 2012DEC0094MER**

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 December 2012**.

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

NAMIBIAN COMPETITION COMMISSION

No. 89

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: GLAXOSMITHKLINE GROUP // ASPEN PHARMACARE HOLDINGS LTD
CASE NO.: 2012DEC0090MER**

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

1. The Commission received notification of the abovementioned proposed merger on **4 December 2012.**
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

NAMIBIAN COMPETITION COMMISSION

No. 90

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: WILLIAM JAMES TROMP & ELMARIE TROMP // CHARLY'S DESERT TOURS CC
CASE NO.: 2012OCT0075MER**

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 **18 December 2012**.
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.*

F. HANGULA**ACTING CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 91

2013

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: SURICATE ADMINISTRATION CC // DIROYAL MOTORS (SWA) (PTY) LTD
CASE NO.: 2012NOV0079MER**

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 **18 December 2012**.
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.*

F. HANGULA

ACTING CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 92

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: GRINDROD SHIPS AGENCY NAMIBIA (PTY) LTD //
JFM STURROCK HOLDINGS (PTY) LTD
CASE NO.: 2012DEC0091MER

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

1. The Commission received notification of the abovementioned proposed merger on **4 December 2012.**
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

NAMIBIAN COMPETITION COMMISSION

No. 93

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: ULF DIETER-KURT JACOBSEN T/A JAN JONKER HOLIDAY APARTMENTS //
COLOUR MULTI PURPOSE INVESTMENTS CC
CASE NO.: 2013JAN0002MER

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 **21 January 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 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

NAMIBIAN COMPETITION COMMISSION

No. 94

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: INDEPENDENT SITE SERVICES HOLDINGS NAMIBIA (PTY) LTD //
ESCARP INVESTMENTS (PTY) LTD
CASE NO.: 2013JAN0005MER

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

1. The Commission received notification of the abovementioned proposed merger on **31 January 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

NAMIBIAN COMPETITION COMMISSION

No. 95

2013

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: INDEPENDENT SITE SERVICES HOLDINGS NAMIBIA (PTY) LTD //
WARRIOR INVESTMENTS (PTY) LTD
CASE NO.: 2013JAN0006MER

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

1. The Commission received notification of the abovementioned proposed merger on **31 January 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**
