



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 27 June 2014

No. 5491

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## General Notices

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### NAMIBIAN COMPETITION COMMISSION

No. 163

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: ETIENNE JOHAN WEAKLEY // QUINTEN VAN WYK  
CASE NO.: 2014APR0023MER

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

1. The Commission received notification of the abovementioned proposed merger on **22 April 2014**.
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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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### NAMIBIAN COMPETITION COMMISSION

No. 164

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: FRIEDSHELF 1508 (PTY) LTD // RTT HOLDINGS (PTY) LTD  
CASE NO.: 2014APR0020MER

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

1. The Commission received notification of the abovementioned proposed merger on **2 April 2014**.
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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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**NAMIBIAN COMPETITION COMMISSION**

No. 165

2014

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: VIVO ENERGY NAMIBIA LIMITED // JEANETTE GOUSSARD T/A GROOT  
GARIEP MOTORS  
CASE NO.: 2014MAR0018MER**

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

1. The Commission received notification of the abovementioned proposed merger on **20 March 2014**.
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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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**NAMIBIAN COMPETITION COMMISSION**

No. 166

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: PAJARINOS SOCIEDAD LIMITADA // CONGELADOS CELA SOCIEDAD  
ANONIMA  
CASE NO.: 2014APR0021MER

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

1. The Commission received notification of the abovementioned proposed merger on **16 April 2014**.
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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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**NAMIBIAN COMPETITION COMMISSION**

No. 167

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: CONGELADOS CELA SOCIEDAD ANONIMA // OMUALU FISHING (PTY) LTD  
CASE NO.: 2014MAY0025MER

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

1. The Commission received notification of the abovementioned proposed merger on **14 May 2014**.
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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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**NAMIBIAN COMPETITION COMMISSION**

No. 168

2014

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: LLD DIAMONDS NAMIBIA (PTY) LTD // ALOE INVESTMENTS NUMBER  
FIFTEEN (PTY) LTD  
CASE NO.: 2014FEB0012MER**

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 April 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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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**NAMIBIAN COMPETITION COMMISSION**

No. 169

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO  
PROPOSED MERGER: TLP PROPERTIES ONE ONE FIVE CC// SAMUEL JACOBUS VAN  
WYNGAARDEN AND CHARL VAN WYNGAARDEN  
CASE NO.: 2014FEB0013MER

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 April 2014**.
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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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**NAMIBIAN COMPETITION COMMISSION**

No. 170

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: MARC GERHARD SCHUMACHER // HERMA BROTHERS CAPE (PTY) LTD  
CASE NO.: 2014APR0024MER

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 April 2014**.
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**  
**CHAIRPERSON**  
**NAMIBIAN COMPETITION COMMISSION**

Windhoek, 28 May 2014

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**NAMIBIAN COMPETITION COMMISSION**

No. 171

2014

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED  
MERGER: GUINEA FOWL INVESTMENTS TWENTY SIX (PTY) LTD // ANGLOGOLD  
ASHANTI NAMIBIA (PTY) LTD  
CASE NO.: 2014MAR0014MER**

Competition Act, 2003 (Act 2 of 2003)  
(Section 47(7), Rule 30)

1. The Commission has received notification of the abovementioned proposed merger on **11 March, 2014.**
2. Please note that the Commission has **approved the proposed merger subject to the following condition –**
  - 2.1 *There shall be no retrenchment of employees of the merged undertakings from the Navachab gold mine as a result of the merger for a period of 2 (two) years from the date of approval of the merger by the Namibian Competition Commission (“Commission”).*
  - 2.2 *In order for the Commission to properly monitor compliance with the above condition any of the merged undertakings employing employees at Navachab Gold mine must adhere to the following procedures:*
    - a) *At least 1 (one) month before any retrenchments are to take place inform the Commission of:*
      - i) *the intended retrenchments;*
      - ii) *the reasons for the retrenchments;*
      - iii) *the number and categories of employees affected; and*
      - iv) *the date of the retrenchments.*
    - b) *Provide the Commission with reports on the following dates:*
      - *28 November, 2014;*
      - *29 May, 2015;*
      - *30 November, 2015; and*
      - *31 May, 2016.*

- c) *The reports must include the following information:*
- i) *A list of all the employees as at the date of the report which includes their full names, positions and job grades;*
  - ii) *A list of the employees retrenched from the time that the merger was approved;*
  - iii) *The reasons for the retrenchments; and*
  - iv) *Any additional information that may be reasonably required by the Commission to monitor compliance with the condition.*
- 2.3. *For the purposes of this condition 'merged undertakings' means- QKR Corporation Limited, all its subsidiaries and AngloGold Ashanti Namibia (Pty) Ltd.*
- 2.4. *For the sake of clarity retrenchments do not include:*
- *voluntary separation or voluntary early retirement; and*
  - *retrenchments which are merger specific but agreed on with the Commission in writing after the approval of the merger; in the event that the merged undertakings experience adverse economic circumstances which necessitate such retrenchments.*
3. The Commission's decision to approve the merger is based on grounds that the proposed transaction is not likely to prevent or lessen competition. However, the Commission was concerned about the effect of the merger on employment and as a result the merging parties have agreed to the imposition of the above condition.
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  
CHAIRPERSON  
NAMIBIAN COMPETITION COMMISSION**

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