



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 237

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: CA SALES HOLDINGS PROPRIETARY LIMITED // A. WUTOW TRADING
COMPANY PROPRIETARY LIMITED
CASE NO.: 2014MAR0019MER

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 March 2014**.

2. Please note that the Commission has **approved the proposed merger subject to the following conditions –**
 - 2.1 *That the initial acquisition of the 50% issued share capital in Wutow by CA Sales be approved without conditions, and further;*
 - 2.2 *That should the sellers (Mr. M.M Kamfer and Mr. M.I Kamfer) not exercise their option to sell to CA Sales the remaining 50% issued share capital on or before **31 June 2015**, the parties will be required to obtain new approval prior to implementation of the acquisition from the Namibian Competition Commission.*
3. The reasons for the conditional approval of the proposed merger are as follows:
 - 3.1 The initial transaction will result in CA Sales acquiring a form of joint control together with the current shareholders over Wutow. The Option transaction to be implemented after 28 February 2017 will result in CA Sale acquiring sole control from joint control over Wutow. This acquisition will result in a change of control in Wutow from joint to sole control over Wutow as contemplated in section 42 of the Competition Act.
 - 3.2 The Commission also had to consider the time that will lapse from June 2014 to February 2017 as provided for the agreement entered into between the parties. Three years will lapse before the seller can exercise their option to sell the remainder of the 50% issued share capital to the purchaser. The distribution market could change between now and then and it would not be appropriate for the Commission to make a determination based on the current market conditions but which will only be implemented in 2017 when market conditions may or may not have changed.
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**

NAMIBIAN COMPETITION COMMISSION

No. 238

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: ATRO TRADING CLOSE CORPORATION // OSHIKANGO INITIATIVE
(PTY) LTD
CASE NO.: 2014MAR0016MER

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 June 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**

NAMIBIAN COMPETITION COMMISSION

No. 239

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: GAZANIA INVESTMENTS 250 (PTY) LTD // ONE AFRICA TELEVISION (PTY)
LTD // DOWNLINK (PTY) LTD
CASE NO.: 2014APR0022MER

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

1. The Commission received notification of the abovementioned proposed merger on **15 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**

NAMIBIAN COMPETITION COMMISSION

No. 240

2014

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: BNP PARIBAS PERSONAL FINANCE S.A // RCS INVESTMENT HOLDINGS
(NAMIBIA) (PTY) LTD
CASE NO.: 2014MAY0027MER

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 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
