



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 135

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: KELLER & NEUHAUS TRUST COMPANY (PTY) LTD // POINTBREAK
NAMIBIA HOLDINGS (PTY) LTD

CASE NO.: 2012APR0022MER

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 **10 April 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.*

L. MURORUA**CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 136

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: SHELL NAMIBIA LIMITED // SUMMER SNOW FASHION CC

CASE NO.: 2012APR0023MER

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 **12 April 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.*

L. MURORUA

CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 137

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: DIETER OTTO GOTTFRIED // WINDHOEK FUEL INJECTION CC

CASE NO.: 2012APR0024MER

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 April 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.*

L. MURORUA

CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 138

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED MERGER: PROPOSED MERGER NOTICE – STALLION SECURITY NAMIBIA (PTY) LTD // PROFESSIONAL SECURITY FORCE SERVICES CC

CASE NO.: 2012APR0025MER

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 **17th April 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.*

L. MURORUA**CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 139

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED MERGER: TELECOM NAMIBIA LTD // POWERCOM (PTY) LTD T/A LEO

CASE NO.: 2011DEC0124MER

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 **9 January 2012**.
2. Please note that the Commission has **approved the proposed merger with the following conditions**.
 - 2.1 From the effective date of the implementation of this merger, the merging parties should put in place a separate and independent shareholding structure for Telecom Namibia Ltd and that of MTC. This separation of the holding**

structure must be effected within a period of two (2) years from the date of this notice of determination.

2.2 In the interim of the aforementioned two (2) year period,

- a) **The NPTH Chief Executive Officer who is also the Managing Director of Telecom Namibia, as well as the NPTH Company Secretary who is also the Head of Legal Services and Company Secretary of Telecom Namibia, should resign from their respective positions at NPTH with immediate effect. No person who is a director of Telecom Namibia or an employee of Telecom Namibia may serve as a director of either NPTH or MTC and likewise, no person who is a director of MTC or an employee of MTC may serve as a director of either NPTH or Telecom Namibia.**
3. The Commission's decision is based on 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 negative impact that the merger may have on Competition in the relevant market/ mobile telecommunication market.
 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. 140

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: WILRU INVESTMENTS ONE HUNDRED AND THIRTY FOUR (PTY) LTD
("WILRU")// EXXARO BASE METALS NAMIBIA (PTY) LTD ("EXXARO BMN")

CASE NO.: 2012MAR0016MER

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 **28 February 2012.**
2. Please note that the Commission has **approved the proposed merger with the following condition;**
 - i. **That the merged entity shall honour its commitment to the Memorandum of Agreement (MOA) to which they are party to as valid, legally binding and enforceable. Further, that the merged entity commit to develop the Gergarub Project as a high priority deposit and undertake to process its raw minerals**

(zinc concentrates) from the mine locally in Namibia on a sustainable basis to satisfy local Namibian beneficiation.

The condition is assessed in line with Section 47(2)(e) on increased employment and Section 47(2)(h) of the Competition Act on local beneficial impact as a result of the merger and is aimed at the following:

- The proposed transaction imparts local Namibian beneficiation by ensuring research and development and enhancement of technical efficiencies and increased production in the Namibian mining sector, particularly on zinc mining.
- The merged entity and the merger as a whole increase value-added employment and provide a greater scope for product diversification in zinc concentrate sales and metal purchases in the Namibian mining industry, particularly on zinc mining.
- The merger result in the development of technological and marketing know-how that may give Namibia local benefited products, of which the competitive advantage is required by the merged entity to penetrate export markets.

The proposed condition is in support of local Namibian beneficiation and is aimed at ensuring value addition to Namibian resources in order to increase export earnings and employment creation.

3. The Commission's decision is based on 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 Condition is therefore imposed to mitigate the negative impact that the merger may have on local Namibian beneficiation in the mining industry.
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. 141

2012

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: STEINHOFF INTERNATIONAL HOLDINGS LTD // KAP INTERNATIONAL
HOLDINGS LTD**

CASE NO.: 2012FEB0009MER

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 February 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.*

L. MURORUA

CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 142

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: KUONI PRIVATE SAFARIS (PTY) LTD // ROYAL TOURS NAMIBIA CC

CASE NO.: 2012FEB0012MER

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 February 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.*

L. MURORUA

CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 143

2012

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: PROPOSED MERGER NOTICE STEINHOFF INTERNATIONAL HOLDINGS LTD
// JD GROUP LTD

CASE NO.: 2012FEB0011MER

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 February 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.*

L. MURORUA**CHAIRPERSON: NAMIBIAN COMPETITION COMMISSION**
