



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 64

2016

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: STAID INVESTMENTS (PTY) LTD // ENTREPO HOLDINGS (PTY) LTD
CASE NO.: 2015NOV0081MER

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

1. The Commission received notification of the abovementioned proposed merger on **12 November 2015**.
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.*

S. AKWEENDA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 65

2016

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: BOUNTY BRANDS PROPRIETARY LIMITED // FOOTWEAR TRADING
PROPRIETARY LIMITED
CASE NO.: 2015NOV0092MER

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

1. The Commission received notification of the abovementioned proposed merger on **1 December 2015**.
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.*

**S. AKWEENDA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 66

2016

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: ASCENDIS HEALTH LIMITED // AKACIA HEALTHCARE HOLDINGS
PROPRIETARY LIMITED
CASE NO.: 2015NOV0091MER**

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

1. The Commission received notification of the abovementioned proposed merger on **30 November 2015**.
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.*

**S. AKWEENDA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 67

2016

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: WHITE FLOWER INVESTMENTS THREE (PTY) LTD // BRUKARROS MEAT
PROCESSORS (PTY) LTD
CASE NO.: 2015DEC0093MER

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 December 2015**.
2. Please note that the Commission has **approved the proposed merger with the following conditions:**
 - 2.1 That Brukarros shall limit the number of retrenchments to 10% of its current employees, for a period of two (2) years from the date of determination of the merger by the Commission.
 - 2.2 That Brukarros reemploys retrenched employees part of the Paterson grading system grades A2 to A4, whenever making new appointments for a period of two (2) years from the date of determination of the merger by the Commission.
 - 2.3 In order for the Commission to monitor compliance with the above conditions the merged undertaking shall:
 - (a) Provide the Commission with compliance reports with regard to the above mentioned conditions on the following dates:
 - (i) 1 March 2016
 - (ii) 1 September 2016
 - (iii) 1 March 2017
 - (iv) 1 September 2017
 - (v) 1 March 2018
 - (b) The compliance reports must include the following information:
 - A list of all the Brukarros employees as at the date of the report, which includes the employees full name, a description of their position, job grade and a breakdown of their remuneration;
 - A list of the Brukarros employees who were retrenched from date of determination of the merger by the Commission;
 - Reasons for the retrenchments, if any; and
 - Any additional information that may be required by the Commission to monitor compliance with the conditions.
 - (c) For a period of two years from the date on which the merger is determined by the Commission, at least 1 (one) month before any retrenchments are to take place, of:
 - Any intended retrenchments;
 - The reasons for such retrenchments;

The number and categories of employees affected as a result thereof; and
The date of such retrenchments

For the purposes of this condition the following definitions apply:

“**employee**” means any person employed by Brukarros Meat Processors (Pty) Ltd at the date of the merger notice;

“**retrenchments**” do not include:

- Voluntary separation agreements
- Voluntary early retirement packages;
- Refusals to be redeployed whether on reasonable or unreasonable grounds; and
- Termination due to resignation

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.*

S. AKWEENDA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 68

2016

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO
PROPOSED MERGER: K2015310081 (SOUTH AFRICA) (PTY) LTD /1 TUFFY BRANDS
(PTY) LTD, TUFFY SERVICES (PTY) LTD, SANWYN ENTREPRISES (PTY) LTD,
TUFFY MANUFACTURING (PTY) LTD, TUFFY PROMOTIONS (PTY) LTD, TUFFY
WAREHOUSING & DISTRIBUTION (PTY) LTD
CASE NO.: 2015DEC0097MER

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 December 2015**.
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.*

**S. AKWEENDA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 69

2016

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: PHILCO ONE HUNDRED AND FIFTY FIVE (PTY) LTD // OKORUSU
HOLDINGS (PTY) LTD
CASE NO.: 2015DEC0098MER**

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 December 2015**.
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.*

**S. AKWEENDA
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NAMIBIAN COMPETITION COMMISSION

No. 70

2016

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: PHILCO ONE HUNDRED AND FIFTY TWO (PTY) LTD // GECKO
GRAPHITE (PTY) LTD
CASE NO.: 2015DEC0099MER

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 December 2015**.
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.*

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NAMIBIAN COMPETITION COMMISSION

No. 71

2016

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: AFRIKUUMBA CONSTRUCTION (PTY) LTD // SAND CITY INVESTMENTS
FIFTY SEVEN (PTY) LTD//SAND CITY INVESTMENTS FIFTY NINE (PTY) LTD
CASE NO.: 2015NOV0090MER

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

1. The Commission received notification of the abovementioned proposed merger on **8 December 2015**.
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.*

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NAMIBIAN COMPETITION COMMISSION

No. 72

2016

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: LEANMARCO INVESTMENTS (PTY) LTD // PROBO (PTY) LTD // SAFLAND
PROPERTY DEVELOPMENT (PTY) LTD
CASE NO.: 2015NOV0089MER

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

1. The Commission has received notification of the abovementioned proposed merger **on 8 December 2015.**
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.*

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NAMIBIAN COMPETITION COMMISSION

No. 73

2016

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: LEWCOR DEVELOPMENT CC // ERF 476, OKAHANDJA
CASE NO.: 2015NOV0085MER**

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 November 2015**.
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.*

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NAMIBIAN COMPETITION COMMISSION

No. 74

2016

**NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: FEDEX ACQUISITIONS B.V // TNT WORLDWIDE (NAMIBIA) (PTY) LTD
CASE NO.: 2015NOV0083MER**

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

1. The Commission received notification of the abovementioned proposed merger on **17 November 2015**.
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.*
-