



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 83

2017

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: SIMPEX (PTY) LTD // SGX LOGISTICS (PTY) LTD
CASE NO.: 2016NOV0058MER

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

1. The Commission received notification of the abovementioned proposed merger on **21 November 2016**.

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.*

T. KAULIHOWA
CHAIRPERSON: BOARD TECHNICAL COMMITTEE
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 84

2017

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: AKTIEBOLAGET ELECTROLUX (PUBL) ("ELECTROLUX") // KWIKOT PTY
LTD ("KWIKOT")
CASE NO.: 2016DEC0060MER

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 2016.**
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.*

T. KAULIHOWA
CHAIRPERSON: BOARD TECHNICAL COMMITTEE
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 85

2017

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: NAMIBIA MEDIA TRUST ("NMT") // WORDPRESS NAMIBIA (PROPRIETARY)
LIMITED ("WORDPRESS")
CASE NO.: 2016SEP0046MER

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 August 2016**.
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. 86

2017

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: TIAUTO TYRE WHOLESALERS PROPRIETARY LIMITED // TYRE
WHOLESALE WAREHOUSE PROPRIETARY LIMITED
CASE NO.: 2016NOV0057MER

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 November 2016**.
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.*

T. KAULIHOWA
CHAIRPERSON: BOARD TECHNICAL COMMITTEE
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 87

2017

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO
PROPOSED MERGER: PG GLASS NAMIBIA (PTY) LTD// ALPHA GLASS
AND WINDSCREENS (PTY) LTD
CASE NO.:2016AUG0037MER

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

1. The Commission received notification of the abovementioned proposed merger on **11 August 2016**.
2. Please note that the Commission has **declined to give approval for the implementation of the merger**.
3. **The reasons for the Commission declining to give approval for the implementation of the merger are the following:**

3.1 Background

- 3.1.1 The merger was implemented in February 2014 pursuant to an agreement for the purchase of assets between the PG Glass Namibia (Pty) Ltd and the Alpha Glass and Windscreens (Pty) Ltd. The assets included Plant equipment, IT equipment, office equipment and furniture as well as motor vehicles. The Stock comprised all the glass products purchased by Alpha Glass. The agreement further stipulates that there is to be an assignment to the purchaser of all right and title and interest in and to the name and brand or trademark "Alpha Glass and Windscreens" in Namibia and the seller would cease the use thereof entirely. In essence therefore the entirety of the business was purchased. The sale of the assets therefore constitutes a merger in terms of section 42(1) of the Competition Act, 2003 (Act No. 2 of 2003) ("the Act"). The merger was therefore implemented prior to it being notified to the Commission and is therefore subject to section 51 of the Act.

3.2 Competition assessment

3.2.1 Relevant Markets:

The Commission identified two relevant markets; (a) the sale and installation of automotive glass; and (b) the sale and distribution of building glass.

3.2.2 Unilateral effects:

The merger resulted in an increased level of concentration in the market for the sale and installation of building glass.

Barriers to entry in the relevant market were relatively high and small undertakings, in particular small undertakings owned or controlled by historically disadvantaged persons, were 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.

The merger also involved the removal of an effective competitor in the relevant markets.

3.2.3 Public Interest Factors

3.2.4 There were no benefits to the public that were identified that could 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.

3.2.5 Conclusion

The proposed merger was therefore likely to prevent or lessen competition in both relevant markets based on the criteria set out in section 47(2)(a), (b), (c), (f) and (h) of the Act.

S. AKWEENDA
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION
