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GENERAL NOTICE

NOTICE 2387 OF 2003

COMPETITION COMMISSION

NOTIFICATION OF REASONS FOR DECISION TO CONDITIONALLY APPROVE THE TRANSACTION INVOLVING ARVIN INDUSTRIES DEUTSCHLAND GMBH AND ZEUNA STARKER GMBH & CO KG

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the Rules for the Conduct of Proceedings in the Competition Commission, that it has approved the transaction involving the above mentioned firms subject to the conditions set out below.

The reason for the Competition Commission's decision to approve the abovementioned transaction conditionally is that the transaction raises significant public interest concerns. The conditions attached are as follows:

- 1) The merging parties must offer employment to 31 employees who are directly affected by the relocation of the catalytic converter manufacturing plant when the 31 positions become available at the Cape Town catalytic converter manufacturing plant. These offers must be on the terms and conditions prevailing in Cape Town. The following relocation benefits must be paid by the parties to the employees who accept the offer of employment:
 - i) A resettlement allowance equivalent to one week's basic wage,
 - ii) Transport to Cape Town at the employer's expense,
 - iii) Accommodation for the relocated employees in Cape Town for a period not exceeding one month at the employer's expense
 - iv) Transport to Cape Town for the direct family members of the relocated employees at the employer's expense,
 - v) Transport of the personal and household belongings of the relocated employees to Cape Town at the employer's expense.
- 2) The retrenched employees (126) and the employees that are not willing to relocate to Cape Town as stipulated in (a) above, must be offered retrenchment packages that include:
 - i) Severance pay of at least two weeks pay per year of service or at any higher rate as negotiated by the trade union; and
 - ii) Retraining of the affected employees to enable them to get alternative employment opportunities. The terms of the retraining has to be negotiated with the trade union.
- 3) In addition, the employer must provide counseling to the affected employees, including:

- i) Individual counseling,
 - ii) Family counseling,
 - iii) Coping with change (change management),
 - iv) Personal financial management; and
 - v) Entrepreneurial opportunities.
- 4) The parties must report on the progress of the implementation of these conditions to the Commission on quarterly basis up to the time that the conditions have been fulfilled.

The conditions must be fulfilled within 12 months from the date of this conditional approval.

Enquiries in this regard may be addressed to Mr. Makgale Mohlala at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 482 9105, or Facsimile: (012) 482 9121. (Reference: 2003Jun514)

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