



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 467

Pretoria, 3 May
Mei 2004

No. 26317



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GENERAL NOTICE

Trade and Industry, Department of

General Notice

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GENERAL NOTICE

NOTICE 744 OF 2004

COMPETITION COMMISSION

NOTIFICATION OF REASONS FOR DECISION TO CONDITIONALLY APPROVE THE TRANSACTION INVOLVING:

NCP CHLORCHEM (PTY) LTD AND SASOL POLYMERS

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.

- (a) the restraint of trade provision which is contained in the sale agreement is removed; proof of which must be submitted to the Commission within a month from the date of this conditional approval.
- (b) NCP shall supply bulk chlorine to any purchaser in terms of a bulk chlorine supply agreement at a market related price, where the market price is the price at which NCP supplies its bulk chlorine customers at the date of notification.
- (c) in the event that there are production stoppages, such that NCP is unable to meet the full contractual requirements of all customers and its internal requirements, it shall re schedule its supply on a non discriminatory, pro rata basis.
- (d) Price increases for bulk chlorine shall not exceed an amount greater than the officially published producer price index, for a period of three years from the date of this conditional approval.
- (e) If any independent purchaser of bulk chlorine, wishes to verify compliance with these conditions, NCP shall procure such verification from its auditors in the form of an audit certificate at such independent purchaser's costs.
- (f) NCP shall provide the Commission with a detailed report proving compliance with the above-mentioned conditions. This detailed report shall, inter-alia, contain an audit certificate from NCP's auditors verifying NCP's compliance with the above-mentioned conditions. NCP shall also provide the Commission with an affidavit, deposed to by a senior official of NCP, confirming the accuracy of all the information provided to the Commission in relation to compliance by NCP with the above-mentioned conditions. The first report is due within 3 months from the date of this conditional approval. Subsequent reports shall be provided on a six monthly basis on the corresponding date on which the first report is submitted.

(g) The reporting obligations are applicable for the duration of the period of these conditions.

Conditions (b) to (g) listed above shall be effective from the date of this conditional approval and shall remain in force for a period of 3 years:

The aforesaid conditions would not only ensure that the merger does not have a negative impact on the competitive structure of the market, but that the entry of a competitor to NCP is facilitated.

The transaction raises no public interest concerns.

Enquiries in this regard may be addressed to Mr. A. Chetty at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 482 9044, or Facsimile: (012) 482 9121. (Reference: 2003Nov759)

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