



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 8190

CONTENTS

Page

GENERAL NOTICES

No. 498	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: 2 M Promotions (Societe Par Actions simpliffee) //Ruimte Proprietary Limited	2
No. 499	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: Merger Notification - Life Healthcare Group Proprietary Limited // Fresenius Medical Care South Africa Proprietary Limited	6
No. 500	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: The Expanded Infrastructure Fund // Aloe Investment Number Twenty -Seven (Pty) Ltd	6
No. 501	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: Puma Energy (Namibia) (Pty) Ltd // True -Gem Investment Close Corporation	7
No. 502	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: Merger Notification - Pupkewitz Property Unit Trust of Nominee // Thunderstruck ...	8
No. 503	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: BCP VI Neptune Bidco Holdings Limited// Network International Holdings PLC	9
No. 504	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: Diroyal Motors (SWA) (Pty) Ltd // The Automotive Dealership Business of Indongo Ford (Pty) Ltd	9
No. 505	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: Merger Notification – Grasta Karibib Engen CC // Drikus Bruwer Swanepoel	10
No. 506	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: ViVo Energy Limited // Triple J Energies Proprietary Limited T/A ‘Gasit’ (The Gasit Business)	11
No. 507	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: Polyoak Properties (Pty) Ltd // Plaspack Properties Prosperita (Pty) Ltd	16

No. 508	Namibia Competition Commission: Notice of determination made by the Commission in relation to the proposed merger: Cider House Investments (Pty) Ltd // The licence for the sale and distribution of the Strongbow Brand	17
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General Notices

NAMIBIAN COMPETITION COMMISSION

No. 498

2023

NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO THE PROPOSED MERGER

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

**PROPOSED MERGER:
2 M PROMOTIONS (SOCIÉTÉ PAR ACTIONS SIMPLIFIÉE) //
RUIMTE PROPRIETARY LIMITED**

CASE NO: 2023JUL0026MER

1. The Commission has received notification of the abovementioned proposed merger on **6 July 2023**.
2. Please note that the Commission has **approved the proposed merger with the following conditions:**

2.1 Employment

- 2.1.1 Following implementation, there shall be no retrenchments of employees below management level of the merged entity as a result of the merger for a period of 3 (three) years from the date of implementation. For the sake of clarity retrenchments do not include:
 - 2.1.1.1 voluntary separation, resignation and voluntary early retirement (“voluntary separations”);
 - 2.1.1.2 retrenchments which are not merger specific or related including that which may be required in the normal course of business through changes in market dynamics and/or the broader economy;
- 2.1.2 The employees of the merged entity will be employed on terms and conditions of employment that are on the whole not less favourable to them than the terms and conditions of employment that prevailed prior to the implementation of the transaction.

COMPLIANCE PROCEDURES, MONITORING AND REPORTING OBLIGATIONS**2.2 Merger Specific Retrenchments**

- 2.2.1 In the event that the merged entity identifies any potential merger specific retrenchments below management level, it will request the Commission to agree to these merger specific retrenchments by way of written correspondence at least one month before the retrenchments are due to be effected. The merged entity's written correspondence must include, but shall not necessarily be limited to:
- 2.2.1.1 a list of employees likely to be affected by the merger specific retrenchments;
 - 2.2.1.2 the number and categories of employees likely to be affected by the merger specific retrenchments, as well as their job titles;
 - 2.2.1.3 the reasons for the retrenchments;
 - 2.2.1.4 a description of the steps taken by the merged entity to avoid the merger specific retrenchments; and
 - 2.2.1.5 the intended date of the merger specific retrenchments.
- 2.2.2 The Commission must within 20 (twenty) business days of receipt of the correspondence referred to in paragraph 2 above indicate to the merged entity whether:
- 2.2.2.1 it agrees to the merger specific retrenchments;
 - 2.2.2.2 does not agree to the merger specific retrenchments; or
 - 2.2.2.3 it requires further information from the merged entity prior to giving its consent.
- 2.2.3 In the event that the Commission requires further information it will, within 20 (twenty) business days of receiving the aforementioned additional information, indicate in writing to the merged entity whether it agrees to or does not agree to these retrenchments.
- 2.2.4 The Commission will not unreasonably withhold its consent to the merger specific retrenchments. In the event that the Commission withholds its consent to the merger specific retrenchments it will provide the merged entity with its reasons for withholding its consent in writing.

2.3 Non-merger specific retrenchments

- 2.3.1 For the sake of transparency, in the event that the merged entity identifies any non-merger specific retrenchments, it will inform the Commission of these potential retrenchments at least 1 (one) month before these retrenchments are due to be effected. The merged entity's correspondence must include, but is not limited to:

- 2.3.1.1 a list of employees likely to be affected by non-merger specific retrenchments;
- 2.3.1.2 the number and categories of employees likely to be affected by the non-merger specific retrenchments, as well as their job titles;
- 2.3.1.3 an explanation of the reasons that give rise to the non-merger specific retrenchments (including changes to operational requirements);
- 2.3.1.4 a description of the steps taken by the merged entity to avoid the non-merger specific retrenchments; and
- 2.3.1.5 the intended date of the non-merger specific retrenchments.

2.4 Reporting obligations

- 2.4.1 In order for the Commission to monitor compliance with the conditions, the merged entity must, for the duration of the subsistence of the merger conditions, in addition to the correspondence referred to in paragraphs above, provide the Commission with reports:
 - 2.4.1.1 on the Implementation Date informing the Commission of the implementation of the transaction;
 - 2.4.1.2 within 2 (two) months of the Implementation Date; and
 - 2.4.1.3 thereafter on a bi-annual basis.

The merger compliance reports must include but shall not necessarily be limited to the following information:

2.5 Regarding employment

- 2.5.1 a list of all the employees as at the date of the report which includes their full names, positions, job grades and remuneration;
- 2.5.2 copies of the existing (pre-proposed transaction) employment contracts indicating the terms and conditions of employment. Where employment contracts are concluded verbally these must be reduced to writing and where the terms and conditions of employment are not contained in the employment contracts, the merged entity must provide a written statement containing the terms and conditions in respect of each job grade and position (which condition is only relevant for the first report);
- 2.5.3 a list of the employees recruited, promoted and retrenched from the time that the merger was approved or since the period covered by the most recent merger compliance report submitted to the Commission;
- 2.5.4 the reasons for the retrenchments;
- 2.5.5 a list of employees dismissed (if any) as a result of disciplinary conduct as provided for under the relevant and applicable policies of the merged entity;

- 2.5.6 The contact details of the dismissed employees as indicated in paragraph; and
- 2.5.7 any additional information that may reasonably be required by the Commission to monitor compliance with the condition.

2.6 Definitions and interpretation

The term “**merged entity**” means the combination the acquiring undertaking and target undertakings and their subsidiaries.

The term “**acquiring group**” means the total of all the undertakings as defined in rule 27(1) (a)(b)(c);

The “**target undertakings**” means Ruimte (Proprietary) Limited (“RUIIMTE”).

“**Commission**” means the Namibian Competition Commission, a statutory body established in terms of the Competition Act, 2003 (Act No. 2 of 2003.);

“**retrenchments**” constitute dismissals arising from collective termination or redundancy;

“**terms and conditions**” in relation to employment contracts means any term and/or condition agreed upon between employer and employee relating to, among others, employee duties and responsibilities, work days, working hours, leave days, sick leave, remuneration, benefits such as pension and medical aid schemes or contributions thereto;

References to “**date of implementation**” means the date on which the proposed merger is implemented by the merging parties.

3. The Commission’s decision is based on the grounds that the proposed merger 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.

I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 499

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

**PROPOSED MERGER:
MERGER NOTIFICATION – LIFE HEALTHCARE GROUP PROPRIETARY LIMITED //
FRESENIUS MEDICAL CARE SOUTH AFRICA PROPRIETARY LIMITED****CASE NO: 2023JUL0028MER**

1. The Commission has received notification of the abovementioned proposed merger on **10 July 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

**I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 500

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

**PROPOSED MERGER:
THE EXPANDED INFRASTRUCTURE FUND //
ALOE INVESTMENT NUMBER TWENTY-SEVEN (PTY) LTD****CASE NO: 2023JUL0029MER**

1. The Commission has received notification of the abovementioned proposed merger on **11 July 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 501

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

PROPOSED MERGER:
PUMA ENERGY (NAMIBIA) (PTY) LTD //
TRUE-GEM INVESTMENTS CLOSE CORPORATION

CASE NO: 2023JUL0030MER

1. The Commission has received notification of the abovementioned proposed merger on **13 July 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

**I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 502

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

**PROPOSED MERGER:
MERGER NOTIFICATION – PUPKEWITZ PROPERTY UNIT TRUST OR NOMINEE //
THUNDERSTRUCK**

CASE NO: 2023JUL0025MER

1. The Commission has received notification of the abovementioned proposed merger on **10 July 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

**I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 503

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

**PROPOSED MERGER:
BCP VI NEPTUNE BIDCO HOLDINGS LIMITED //
NETWORK INTERNATIONAL HOLDINGS PLC****CASE NO: 2023JUNE0023MER**

1. The Commission has received notification of the abovementioned proposed merger on **19 July 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

**I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 504

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

**PROPOSED MERGER:
DIROYAL MOTORS (SWA) (PTY) LTD //
THE AUTOMOTIVE DEALERSHIP BUSINESS OF INDONGO FORD (PTY) LTD****CASE NO: 2023MAR0012MER**

1. The Commission has received notification of the abovementioned proposed merger on **4 April 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 505

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

PROPOSED MERGER:
MERGER NOTIFICATION – GRASTA KARIBIB ENGEN CC //
DRIKUS BRUWER SWANEPOEL

CASE NO: 2023MAY020MER

1. The Commission has received notification of the abovementioned proposed merger on **31 May 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

**I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 506

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

**PROPOSED MERGER:
VIVO ENERGY NAMIBIA LIMITED // TRIPLE J ENERGIES PROPRIETARY LIMITED
T/A 'GASIT' (THE GASIT BUSINESS)**

CASE NO: 2023FEB0001MER

1. The Commission has received notification of the abovementioned proposed merger on **1 February 2023**.
2. Please note that the Commission has approved the proposed merger **with conditions**.
3. The Commission's decision is based on the grounds that the proposed merger is likely to prevent or lessen competition in Namibia, as envisaged by section 47(2) of the Competition Act, 2003. Specifically, the implementation of the proposed merger points to the fact that the merged entity is highly likely to materially change the parties' economic incentives to engage in anticompetitive behaviour that could harm competition by engaging in foreclosure strategies and raising rivals' costs, due to their dominance, lack of regulation of the LPG market and merging parties' geographical reach. Based on the above the merger is approved subject to the following conditions:

1. DEFINITIONS

The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

- 1.1 **"Acquiring Group"** means the total of all undertakings as defined in rule 27(1)(a) (b) and (c) as amended;
- 1.2 **"Acquiring Undertaking"** means Vivo Energy Namibia Limited;
- 1.3 **"Approval Date"** means the date on which the Merger is approved by the Commission;
- 1.4 **"Commission"** means the Namibian Competition Commission;
- 1.5 **"Competition Act"** means the Competition Act No. 2 of 2003;

- 1.6 “**Conditions**” mean the conditions set out in this Annexure A (only);
- 1.7 “**Days**” means any calendar day other than a Saturday, a Sunday or an official public holiday in Namibia (i.e. business days);
- 1.8 “**Implementation Date**” means the date, which proceeds the Approval Date, on which the Merger is implemented by the Merging Parties;
- 1.9 “**LPG**” means liquified petroleum gas;
- 1.10 “**Proposed Transaction**” means the transaction that was notified to the Commission on 1 February 2023 that concerns the acquisition by the Acquiring Undertaking of the Target Undertaking;
- 1.11 “**Merged Undertaking**” means the Acquiring Undertaking and the Target Undertaking;
- 1.12 “**Seller**” means Triple J Energies Proprietary Limited;
- 1.13 “**Supplying Entity**” means Vita Gas or any entity that is controlled by the Acquiring Group that supplies LPG to customers in Namibia;
- 1.14 “**Target Undertaking**” means the assets and business conducted by the Seller as a going concern trading under the business name ‘GasIt’; and
- 1.15 “**Vita Gas**” means Vita Gas Proprietary Limited, an importer and trader of LPG.

2. **CONDITIONS TO THE APPROVAL OF THE MERGER**

2.1 Vertical foreclosure condition (the “**Vertical Condition**”)

In order to address any vertical concerns following the Proposed Transaction, the following shall apply:

2.1.1 The Supplying Entity is expected to adhere to the below:

2.1.1.1 Supply Namibian LPG customers that operates at the level of the Target Undertaking on an arm’s-length basis and on the same terms and conditions as the Target Undertaking, including in terms of a pricing methodology independently set by the Supplying Entity, (which pricing methodology was last used by Vita Gas in relation to the Target Undertaking prior to Vita Gas’ exit from the Sunrise terminal in Saldanha Bay, South Africa) which comprised the following:

CP Price (Saudi Aramco price for the month) plus premium USD 176 per metric tonne.

2.1.1.2 Any changes to the above pricing methodology (which may happen from time to time) will be made available by the Supplying Entity to the Commission before implementation.

2.1.1.3 In the event that there is a shortage of LPG in the Namibian market, but the Target Undertaking or the Supplying Entity operating at the level of the Target Undertaking has volumes of LPG, the Target Undertaking or the Supplying Entity shall supply its Namibian Competitors on the basis set out in 2.1.1.1 above.

2.1.1.4 The conditions above are subject to a 5 (five)-year review upon which parties will provide any relevant evidence for consideration to amend, cancel or strengthen any of the conditions by the Commission.

2.2 Employment condition (the “**Employment Condition**”)

There shall be no retrenchment of the 21 employees employed by the Seller’s business for a minimum period of 3 (three) years.

3. **MONITORING AND REPORTING PROCEDURES IN COMPLIANCE WITH THE CONDITIONS**

The Vertical Condition:

3.1 The Supplying Entity supplying LPG to Namibian customers shall provide the following information to the Commission:

3.1.1 Volumes supplied to each customer;

3.1.2 Invoices for such supplies; and

3.1.3 Copies of LPG supply contracts with each customer.

3.2 In relation to customers not in a contractual relationship with the Supplying Entity, 6-monthly records (in accordance with paragraph 3.9 below) of invoices, volumes and prices if any sales occurred to these customers.

The Employment Condition:

General

3.3 The Merged Undertaking and the Seller shall provide the following information to the Commission:

3.3.1 a list of all the employees by the Seller which includes their full names, positions and relevant department or division, job grades and remuneration;

3.3.2 copies of the existing (pre-Proposed Transaction) employment contracts for each different job grade and different position indicating the terms and conditions of employment. Where employment contracts were concluded verbally these must be reduced to writing and where the terms and conditions of employment are not contained in the employment contracts, the Merged Undertaking and the Seller must provide a written statement containing the terms and conditions in respect of each job grade and position (which condition is only relevant for the first report);

- 3.3.3 copies of the new employment contracts, under which the employees of the Seller are employed, for each different job grade and different position indicating the terms and conditions of employment. Where employment contracts are concluded verbally, these must be reduced to writing and where the terms and conditions of employment are not contained in the employment contracts, the Merged Undertaking and the Seller must provide a written statement containing the terms and conditions in respect of each job grade and position (which condition is only relevant for the first report); and
- 3.3.4 a list of the employees who have left the employment of the Seller from the time that the merger was approved or since the period covered by the most recent merger compliance report submitted to the Commission.

Merger Specific Retrenchments

- 3.4 In the event that the Merged Undertaking and the Seller identify any potential merger specific retrenchments, it will request the Commission's agreement to these merger specific retrenchments by way of written correspondence at least one month before these retrenchments are due to be effected. The Merged Undertaking and the Seller's written correspondence must include, but is not limited to:
 - 3.4.1 a list of employees likely to be affected by the merger specific retrenchments;
 - 3.4.2 the number and categories of employees likely to be affected by the merger specific retrenchments, as well as their job titles;
 - 3.4.3 the reasons for the retrenchments;
 - 3.4.4 a description of the steps taken by the merged undertaking to avoid the merger specific retrenchments; and
 - 3.4.5 the intended date of the merger specific retrenchments.
- 3.5 The Commission must within 20 business days of receipt of the correspondence referred to in paragraph 3.3 above indicate to the Merged Undertaking and the Seller whether:
 - 3.5.1 it agrees to these merger specific retrenchments;
 - 3.5.2 does not agree to the merger specific retrenchments; or
 - 3.5.3 it requires further information from the Merged Undertaking and Seller prior to giving its consent.
- 3.6 In the event that the Commission requires further information it will, within 20 business days of receiving the aforementioned additional information, indicate in writing to the Merged Undertaking and the Seller whether it agrees to or does not agree to these retrenchments.
- 3.7 The Commission will not unreasonably withhold its consent to the merger specific retrenchments. In the event that the Commission withholds its consent to the merger specific retrenchments it will provide the Merged Undertaking and the Seller with its reasons for withholding its consent in writing.

Non merger specific retrenchments

- 3.8 For the sake of transparency, in the event that the Merged Undertaking and the Seller identify any non-merger specific retrenchments, it will inform the Commission of these potential retrenchments at least one month before these retrenchments are due to be effected. The Merged Undertaking and the Seller's correspondence must include, but is not limited to:
- 3.8.1 a list of employees likely to be affected by non-merger specific retrenchments;
 - 3.8.2 the number and categories of employees likely to be affected by the non-merger specific retrenchments, as well as their job titles;
 - 3.8.3 an explanation of the reasons that give rise to the non-merger specific retrenchments (including changes to operational requirements);
 - 3.8.4 a description of the steps taken by the Merged Undertaking and the Seller to avoid the non-merger specific retrenchments; and
 - 3.8.5 the intended date of the non-merger specific retrenchments.

Reporting dates

- 3.9 In order for the Commission to monitor compliance with the conditions, as set out in paragraphs 3.1 through 3.8 above, the Merged Undertaking and the Seller shall provide the Commission with reports on the following dates:
- 3.9.1 31 August 2023, for the status as at the date of the implementation of the Proposed Transaction (initial report).
 - 3.9.2 Thereafter on a bi-annual basis, starting 1 February 2024, until the expiry of the conditions imposed.

General

- 3.10 The Merged Entity and the Seller shall circulate a copy of the conditions (i.e. this Annexure A only) to all its employees within 10 (ten) days of the Approval Date.
- 3.11 As proof of compliance, the Managing Director of the Merged Undertaking and the Seller respectively shall, within 10 (ten) days of circulating the Conditions, submit an affidavit attesting to the circulation of the Conditions and provide a copy of the notice that was sent to such employees.
- 3.12 The Merged Undertaking and the Seller shall inform the Commission in writing of the Implementation Date within 5 (five) days of its occurrence.
- 3.13 The Merged Undertaking and the Seller shall submit affidavits (deposed to by the respective Managing Directors) in accordance with the reporting dates referred to above, to update the Commission and / or confirm its compliance with both the Vertical Condition and Employment Condition for the duration of both Conditions. For the sake of clarity, and subject to paragraph 2.1 and paragraph 2.2, the last affidavit and accompanying report of the Merged Undertaking must be submitted 6 (six) months after 31 August 2028 (in relation to the Vertical Condition), and the last affidavit and accompanying report of the Merged Undertaking and the

Seller must be submitted 6 (six) months after 31 August 2026 (in relation to the Employment Condition).

- 3.14 The Commission may also request any additional information that may reasonably be required by the Commission to monitor compliance with the Conditions.
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.

I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

NAMIBIAN COMPETITION COMMISSION

No. 507

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

PROPOSED MERGER:
POLYOAK PROPERTIES (PTY) LTD //
PLSPACK PROPERTIES PROSPERITA (PTY) LTD

CASE NO: 2023JUL0024MER

1. The Commission received notification of the abovementioned proposed merger on **3 July 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

**I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**

NAMIBIAN COMPETITION COMMISSION

No. 508

2023

**NOTICE OF DETERMINATION MADE BY THE COMMISSION
IN RELATION TO THE PROPOSED MERGER**

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

**PROPOSED MERGER:
CIDER HOUSE INVESTMENTS (PTY) LTD // THE LICENCE FOR THE
SALE AND DISTRIBUTION OF THE STRONGBOW BRAND**

CASE NO: 2023JUNE0021MER

1. The Commission has received notification of the abovementioned proposed merger on **8 June 2023**.
2. Please note that the Commission has approved the proposed merger **without conditions**.
3. The Commission's decision is based on the grounds that the proposed merger 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.

**I. TJATJARA
DEPUTY CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION**
