
General Notices

NAMIBIAN COMPETITION COMMISSION

No. 335

2020

NOTICE OF DETERMINATION MADE BY COMMISSION IN RELATION TO PROPOSED
MERGER: MOMENTUM SHORT TERM INSURANCE (NAMIBIA) LTD // ALEXANDER
FORBES INSURANCE COMPANY NAMIBIA LTD
CASE NO.: 2020JUN0016MER

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 **10 July 2020**.
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 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.*

P. CARLSON
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

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No. 336

2020

NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO THE
PROPOSED MERGER: WEST CHINA CEMENT LIMITED // SCHWENK NAMIBIA PTY LTD
(CASE NO.:2020JAN0002MER)

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 January 2020**.
2. Please note that the Commission has prohibited the proposed merger.
3. The reasons for the prohibition of the proposed merger are as follows:

- 3.1 The relevant market is highly concentrated with only two players with insignificant import competition, the aforesaid coupled with the links/relationships between Whale Rock Pty Ltd and the acquiring group is likely to substantially lessen or prevent competition in the relevant market as contemplated in section 47(2)(a) of the Act.
- 3.2 The implementation of the proposed merger is highly likely to lead to the acquisition and strengthening of a dominant position in the relevant market, as contemplated in section 47(2)(b) of the Act.
- 3.3 There were no concrete benefits that would outweigh the detrimental effects that will result from the implementation of the proposed merger as contemplated in section 47(2)(c) of the Act.
- 3.4 Barriers to entry in the relevant market are high and it is not likely that a small undertaking, in particular small undertakings owned or controlled by historically disadvantaged persons, to gain access to or be competitive in the relevant market as contemplated in section 47(2)(f) of the Act.

P. CARLSON
CHAIRPERSON
NAMIBIAN COMPETITION COMMISSION

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No. 337

2020

**NOTICE OF DETERMINATION MADE BY THE COMMISSION IN RELATION TO THE
PROPOSED MERGER: THE EXPANDED INFRASTRUCTURE FUND TRUST // ALOE
INVESTMENTS NUMBER TWENTY-SEVEN (PTY) LTD
CASE NO.: 2020JUN0015MER**

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 **12 June 2020**.
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.*