



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 8 May 2026

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CONTENTS

Page

GOVERNMENT NOTICE

No. 158	Notice of application for review of decision of Commission in relation to proposed merger: Nasan Energies (Pty) Ltd and the Divestiture Business operated by Vivo Energy Ltd and Engen Namibia (Pty) Ltd: Competition Act, 2003	1
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Government Notice

MINISTRY OF INDUSTRIES, MINES AND ENERGY

No. 158

2026

NOTICE OF APPLICATION FOR REVIEW OF DECISION OF COMMISSION IN RELATION TO PROPOSED MERGER: NASAN ENERGIES (PTY) LTD AND THE DIVESTITURE BUSINESS OPERATED BY VIVO ENERGY LTD AND ENGEN NAMIBIA (PTY) LTD: COMPETITION ACT, 2003

CASE NO: 2025NOV0061MER

Competition Act, 2003 (Act No. 2 of 2003)
(Section 49(2), Rule 32(1))

1. Note that the Namibia Competition Commission on 1 April 2026 as per General Notice No. 209 published in Government Gazette No. 8880 of 1 April 2026, approved the proposed merger with conditions.
2. In terms of section 49(2) of the Competition Act, 2003 (Act No. 2 of 2003), I give notice that I have received a review application dated 8 April 2026 from Ndaitwah Legal Practitioner on behalf of Nasan Energies (Pty) Ltd for review of the decision of the Namibia Competition Commission in relation to the proposed merger.

3. The nature of the review as per the applicant is that the conditions imposed by the Competition Commission be reviewed and set aside, alternatively that those conditions be varied as set out in the Schedule.
4. Interested parties are invited to make written submissions, within 30 days after the date of publication of this notice in the *Gazette*, by delivering the written submissions at the Ministry of Industries, Mines and Energy, Second floor at the Registries, C/O Dr. Kenneth Kaunda and Goethe Streets, opposite GIPF, Windhoek.

MODESTUS AMUTSE

MINISTER OF INDUSTRIES, MINES AND ENERGY

Windhoek, 7 May 2026

SCHEDULE

NATURE OF REVIEW AS PER THE APPLICANT

The nature of the review as per the applicant is as follows:

Main Claim

1. That the conditions imposed by the Competition Commission under General Notice No. 209 in Government Gazette No. 8880 dated 1 April 2026 be reviewed and set aside to the extent that they prohibit Nasan from procuring petroleum products from Vitol, Vivo Energy, or their affiliates.
2. Nasan shall be authorised to conduct its operations in the fuel retail sector under the same conditions as other operators, including, but not limited to, the right to procure petroleum products from any trader or supplier, including Vitol, Vivo Energy, or their affiliates.

Alternative Claim

3. Alternatively, and in the event that the Minister considers it appropriate to maintain the conditions in some form, the conditions be varied to permit Nasan a transitional implementation period of sixty (60) months calculated from the Implementation Date of the merger. During such transition period, Nasan shall be permitted to procure petroleum products from any trader or supplier, including Vitol, Vivo Energy, or their affiliates, necessary to ensure security of supply, operational stability, and the continued viability of the acquired retail network.
 4. Upon the expiry of this initial sixty (60) month period, the conditions should be subject to review in order to assess the extent to which Nasan has been able to implement the merger and transition its supply arrangements in compliance with the conditions.
 5. Should it be determined during such review that full implementation remains constrained by the structural, infrastructure, or market limitations described herein, provision should be made for the granting of a further extension period of up to an additional sixty (60) months, on such terms as the Minister may deem appropriate.
 6. That such variation of the conditions will allow Nasan sufficient time to establish independent supply arrangements, develop alternative logistics infrastructure, and transition its procurement operations in a manner that is both commercially sustainable and consistent with the objectives of the Competition Act.
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