



MERGER DECISIONS NO.5 OF 2023

On Wednesday, 27th of September 2023, the Namibian Competition Commission (**“the Commission”**) held its Technical Board meeting to review and make decisions on matters brought before the Commission by members of the public and corporate applicants under the Competition Act (2 of 2003). Below are the Board decisions on mergers presented at the meeting.

1. Akzo Nobel N.V // Kansai Plascon Africa Limited // Kansai East Africa Proprietary Limited

The Commission resolved to approve with conditions the acquisition of shares in Kansai Plascon Africa Limited and Kansai East Africa Proprietary Limited by Akzo Nobel N.V. The acquiring group is involved in manufacturing and supply of decorative coatings, industrial coating products and supplies marine and protective coatings. The target undertakings are engaged in manufacturing and supply of decorative coatings and industrial coating products.

The Commission found that the merged party’s post-merger will increase their market share and put the merging parties in a position to exercise market power in relations to colourants. However, the merging parties will continue to face competition from current competitors due to import products into Namibia and the local manufacturing plants, in relation to the sale of decorative coatings and industrial coating products. It is anticipated that the merger will have an effect on the manufacturers in Namibia (ie. Neo Paints, Peralin Paints and Coral Paints (T/A Promac)) this is due to the merging parties having the influence on colourants post-merger. Therefore, the Commission approved the merger subject to input foreclosure conditions. However, the proposed transaction does not raise any public interest concerns.

2. Brauer Properties (Pty) Ltd // The Trustees of the PMD Trust

The Commission resolved to approve without conditions the acquisition by the Trustees of the PMD Trust of the entire issued share capital in Bräuer Properties (Proprietary) Limited. The acquiring group owns immovable properties and controls hardware and building material firms. The target undertaking owns immovable properties that consist predominantly of storage facilities and business premises, which are leased to various tenants.

The Commission found the proposed transaction unlikely to result in the prevention or substantial lessening of competition; does not result in any undertaking acquiring or strengthening a dominant position in the market and does not raise any public interest concerns.

3. Marcel A. Lamprecht // Ashlee Distributors CC

The Commission resolved to approve without conditions the acquisition by Marcel A. Lamprecht of the entire members' interest in Ashlee Distributors CC. The acquiring group is involved in hunting activities. The target undertaking is a distributor of Fast-Moving Consumer Goods.

The Commission found the proposed transaction unlikely to result in the prevention or substantial lessening of competition; does not result in any undertaking acquiring or strengthening a dominant position in the market and does not raise any public interest concerns.

4. The Trustees of The NAMCDS Trust // Namibia Collection and Delivery Services (Proprietary) Limited

The Commission resolved to approve without conditions the acquisition by Namibia Collection and Delivery Trust ("NAMCDS Trust") of entire issued share capital in Namibia Collection and Delivery Services (Proprietary) Limited. The acquiring group is involved in the provision of road freight services. The target undertaking provides road freight services.

The Commission found the proposed transaction unlikely to result in the prevention or substantial lessening of competition; does not result in any undertaking acquiring or strengthening a dominant position in the market and does not raise any public interest concerns.

5. TotalEnergies Marketing Namibia (Pty) Ltd // Okapana Service Station Close Corporation & Giel Grobler Family Trust

The Commission resolved to approve with conditions the acquisition of the business of Okapana Service Station CC and the sale of the property owned by Giel Grobler Family Trust to TotalEnergies Marketing Namibia (Pty) Ltd. The acquiring group's activities in Namibia relates to the sale of fuel and lubricants to TotalEnergies branded service stations, small business enterprises, and the agricultural, and the mining sector. Additionally, it also sells heavy fuel oil. The target undertaking is the business of Okapana Service Station which is a TotalEnergies branded fuel retail outlet, including the Café Bonjour Shop and the trade name, goodwill, logos, branding and all intellectual property rights, conducted in Ondangwa.

The Commission has found the proposed transaction unlikely to result in the prevention or substantial lessening of competition; does not result in any undertaking acquiring or strengthening a dominant position in the market but it raises public interest concerns,

in particular employment concerns. Thus, the Commission approved the merger subject to employment conditions.

6. King Price Financial Services (Pty) Ltd // Basileia Investment Holding (UK) Limited

The Commission resolved to approve without conditions the acquisition by Basileia Investments Holdings (UK) Limited of the majority of shares in King Price Financial Services Proprietary Limited. The acquiring group is an investment holding and management company based in the United Kingdom. The target undertaking provides short-term insurance products.

The Commission found the proposed transaction unlikely to result in the prevention or substantial lessening of competition; does not result in any undertaking acquiring or strengthening a dominant position in the market and does not raise any public interest concerns.

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The Namibian Competition Commission

Merger and Acquisitions Division

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