



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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CONTENTS

Page

GENERAL NOTICE

- No. 19 Namibian Competition Commission: Notice of receipt of application for exemption in respect of certain restrictive practices, Competition Act, 2003 (Section 27(3), Rule 21(2)) concerning: National Petroleum Corporation of Namibia (Pty) Ltd (“NAMCOR”) Case No: 2018DEC0005EXEMP 1

General Notice

NAMIBIAN COMPETITION COMMISSION

No. 19

2019

NOTICE OF RECEIPT OF APPLICATION FOR EXEMPTION IN RESPECT OF CERTAIN RESTRICTIVE PRACTICES, COMPETITION ACT, 2003 (SECTION 27(3), RULE 21(2)) CONCERNING: NATIONAL PETROLEUM CORPORATION OF NAMIBIA (PTY) LTD (“NAMCOR”) CASE NO: 2018DEC0005EXEMP

1. In terms of section 27(3) of the Competition Act, 2003 (No. 2 of 2003) (“the Competition Act”), the Namibian Competition Commission (“the Commission”) hereby gives notice that the National Petroleum Corporation of Namibia (Pty) Ltd (“NAMCOR”) has in terms of section 27(1) of the Competition Act, applied to be exempted from certain provisions of Part 1 of Chapter 3 of the Competition Act.
2. NAMCOR hereinafter referred to as the “Applicant”, is a body corporate and parastatal, mandated by the Petroleum (Exploration and Production) Act, 1991 (No. 2 of 1991) (“the Petroleum Act”), to carry out reconnaissance, exploration and production operations.
3. The exemption application relates to a category of proposed decisions to be issued in terms of the Petroleum Products and Energy Act, 1990 (No. 13 of 1990) (“the Energy Act”) and the Petroleum Products Regulations, 2000 (“the Regulations”); *viz* to amend the wholesale licenses of the present importers of petroleum products by imposing conditions on the

percentage volumes for the procurement of petroleum products, and reinstating the mandate to import 50% of Namibia's petroleum needs to the Applicant.

4. The Applicant requests that the proposed decisions and subsequent agreements giving effect to the decision to reinstate the Applicant's mandate to import 50% of Namibia's petroleum needs be exempted from the provisions of Chapter 3 of the Competition Act, for a period of ten (10) years.
5. The Applicant seeks to be exempted from application of the following provisions of Chapter 3 of the Competition Act in accordance with section 27 of the Competition Act and Rule 21 of the Rules made under the Competition Act:
 - 5.1 Section 23(3)(a), insofar as the decisions and agreements contemplated could be perceived as directly or indirectly fixing purchase or selling prices or any other trading conditions;
 - 5.2 Section 23(3)(b), insofar as the decisions and agreements contemplated could be perceived as dividing markets by allocating customers, suppliers, areas or specific types of goods or services;
 - 5.3 Section 23(3)(e), insofar as the decisions and agreements contemplated could be perceived as limiting or controlling production, market outlets or access, technical development or investment; and
 - 5.4 Section 23(3)(f), insofar as the decision and agreements contemplated could be perceived as applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage.
6. Interested persons are invited to submit to the Commission, within 30 days as from the date of this notice, any queries or written representations that they may wish to make concerning the application.
7. Such representations should be directed to Ms. Nangosora Ashley Tjipitua, Director of Enforcement, Exemptions and Cartels, contact number: 061-224 622, email: ashley.tjipitua@nacc.com.na or alternatively hand delivered at the Namibian Competition Commission, office No.14, BPI House, Mezzanine floor, Independence Avenue, Windhoek.

V. NDALIKOKULE
SECRETARY TO THE COMMISSION
NAMIBIAN COMPETITION COMMISSION
