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GOEWERMENSKENNISGEWING

KANTOOR VIR OPENBARE ONDERNEMINGS EN PRIVATISERING

No. 893

6 Mei 1994

REËLING TUSSEN DIE RAAD OP MEDEDINGING EN ARGUS NEWSPAPERS BPK.

Ek, Dawid Jacobus de Villiers, Minister vir Openbare Ondernemings, bekragtig hiermee ingevolge artikel 13 (2) van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979), die reëling tussen bogenoemde partye wat in die Bylae uiteengesit is.

Die reëling is getref ingevolge artikel 11 (1) van die Wet na kennisgewing van 'n ondersoek deur die Raad op Mededinging na sekere transaksies waarby Anglo American Corporation of South Africa Bpk., Johannesburg Consolidated Investment Company Bpk., Independent Newspapers PLC, Argus Newspapers Bpk. en Times Media Bpk. betrokke is. Dit gee regsrag aan ondernemings wat deur Argus Newspapers Bpk. gegee is insake sekere openbare belangoorwegings.

D. J. DE VILLIERS,

Minister vir Openbare Ondernemings.

BYLAE

1. Argus Newspapers Bpk. sal voortgaan met die uitgee van The Cape Times en The Argus as afsonderlike koerante. Ten einde die voortgesette kommersiële lewensvatbaarheid van die onderskeie koerante te verseker, mag dit van tyd tot tyd nodig wees om sekere van hulle bedrywighede te koördineer en rasionaliseer, met dien verstande dat sodanige koördinasie en rasionalisasie nie inbreuk sal maak op enige bepaling van hierdie reëling of dit ondermyn nie.

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GOVERNMENT NOTICE

OFFICE FOR PUBLIC ENTERPRISES AND PRIVATISATION

No. 893

6 May 1994

ARRANGEMENT BETWEEN COMPETITION BOARD AND ARGUS NEWSPAPERS LTD

I, Dawid Jacobus de Villiers, Minister for Public Enterprises, hereby confirm in terms of section 13 (2) of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), the arrangement between the above-mentioned parties set out in the Schedule.

It was made in terms of section 11 (1) of the Act following notification of an investigation by the Competition Board into certain transactions involving Anglo American Corporation of South Africa Ltd, Johannesburg Consolidated Investment Company Ltd, Independent Newspapers PLC, Argus Newspapers Ltd and Times Media Ltd. It formalises undertakings given by Argus Newspapers Ltd in respect of certain public interest considerations.

D. J. DE VILLIERS,

Minister for Public Enterprises.

SCHEDULE

1. Argus Newspapers Ltd shall continue to publish The Cape Times and The Argus as separate newspapers. In order to ensure the continued commercial viability of the respective newspapers, it may from time to time be necessary to co-ordinate and rationalise certain of their activities: Provided that such co-ordination and rationalisation shall not impinge upon or undermine any provision of this arrangement.

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2. The Cape Times en The Argus sal hulle redaksionele onafhanklikheid en integriteit behou. Die bestaande redaksionele onderskeid tussen die twee koerante sal dus gehandhaaf en aangemoedig word.

3. Binne ses maande vanaf die datum van Argus Newspapers Bpk. se flottasie op die Johannesburgse Effektebeurs sal Argus Newspapers Bpk. 'n aparte direksie vir sy Kaapse bedrywighede stig waarop, onder andere, 'n aantal nie-uitvoerende direkteure benoem sal word wat (a) onafhanklik sal wees van enige van die groot aandeelhouerbelange in Argus Newspapers Bpk., en (b) van die Kaapse streek gekies sal word om die onderskeie gemeenskappe in daardie streek wat deur Argus Newspapers Bpk. se koerante bedien word, te verteenwoordig.

4. Indien gesonde sakepraktyk in die toekoms sou aandui dat die uitgee van afsonderlike koerante op Saterdag en Sondag nie geregverdig is nie, sal Argus Newspapers Bpk. die reg hê om oor die naweek die twee koerantprodukte na een koerantproduk te verminder.

5. Die reëling sal geld vir 'n tydperk van drie jaar vanaf die datum van publikasie daarvan in die *Staatskoerant*. Indien na afloop van daardie tydperk Argus Newspapers Bpk. sou besluit om die reëling te beëindig sal hy die Raad op Mededinging drie maande kennis gee, in welke geval die Raad op Mededinging die reg sal hê om ingevolge die Wet op Handhawing en Bevordering van Mededinging, 1979, of enige ander tersaaklike Wet wat van tyd tot tyd van krag is, sodanige stappe te neem as wat onder die omstandighede nodig geag word.

2. The Cape Times and The Argus shall retain their editorial independence and integrity. The existing editorial differentiation between the two newspapers shall accordingly be maintained and encouraged.

3. Within six months from the date of flotation of Argus Newspapers Ltd on the Johannesburg Stock Exchange, Argus Newspapers Ltd shall incorporate a separate board of directors for its Cape operations to which shall be appointed, *inter alia*, a number of non-executive directors who shall (a) be independent of any of the major shareholder interests represented in Argus Newspapers Ltd, and (b) be chosen from the Cape region to represent the respective communities served by Argus Newspapers Ltd's newspapers in that region.

4. If, in the future, the dictates of sound business practice do not justify the publication of separate newspapers on Saturdays and Sundays, Argus Newspapers Ltd shall have the right to reduce the two newspaper products to one product on a weekend basis.

5. The arrangement shall endure for a period of three years from the date of publication thereof in the *Government Gazette*. Should Argus Newspapers Ltd at the end of that period wish to terminate the arrangement it shall give the Competition Board three months' notice of termination, in which event the Competition Board shall have the right to take such action in terms of the Maintenance and Promotion of Competition Act, 1979, or any other relevant Act from time to time in force, as may be deemed necessary in the circumstances.

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