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## GENERAL NOTICE

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### NOTICE 150 OF 2004

### COMPETITION COMMISSION

#### APPLICATION FOR AN EXEMPTION IN TERMS OF SECTION 10 OF THE COMPETITION ACT, 89 OF 1998 (AS AMENDED)

Notice is hereby given in terms of section 10 (6) (a) of the Competition Act, 1998 (the Act), read with Rule 19(4)(a) of the Rules for the Conduct of Proceedings in the Competition Commission published in (Gazette No. 22025) of 1 February 2001 that PetroSA (Pty) Ltd, a state owned private company, registered in terms of the Companies Act, 1973, has applied to the Competition Commission in terms of section 10 (1) of the Act for an exemption from certain provisions of Chapter 2 of the Act. In particular, the applicant has requested that they be permitted to continue to enforce the provisions of the Memorandum of Understanding (the MOU) entered into with nine major Oil companies (collectively hereafter referred to as the Oil companies) active in South Africa until April 2005.

The practices contained in the MOU are prohibited in terms of section 4 (1) b (i), 4(1) b (ii), 5(1) and, 8(c) of the Act.

The application is based on the premise that the MOU is required for the promotion of the ability of small businesses, or firms controlled or owned by historically disadvantaged persons, to become competitive [section 10(3) b (ii) and for economic stability of the industry as designated by the Minister of Trade and Industry after consulting with the Minister of Minerals and Energy [section 10 (3) (b) (iv) of the Act].

Interested parties may, within 20 business days from the date of this notice, make written representations to the Commission why the exemption should not be granted.

Such representations may be directed to the Manager: Enforcement and Exemptions, Private Bag X23, Lynnwood Ridge, 0040, or by facsimile to number 012 482-9118.

(Case No. 2003Nov/22).

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