

NOTICE 1640 OF 2005**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, No 89 of 1998 as amended ("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 the Petroleum Oil and Gas Corporation of South Africa (Pty) Ltd **t/a PetroSA**, 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 it be permitted** to conclude a Petroleum Product Purchase and Sale Agreement (**The agreement**) with **six** (6) **major** South African **oil** companies namely: **BP Southern Africa (Pty) Ltd, Caltex Oil (S.A) (Pty) Ltd, Engen Petroleum Ltd, Sasol Oil (Pty) Ltd, Shell South Africa Marketing (Pty) Ltd and Total South Africa (Pty) Ltd**. The practices contained in the agreement may constitute prohibited practices 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 agreement **is required** for the economic stability of **the** industry as designated by the Minister of Trade and Industry after consulting **with** the Minister of Minerals and Energy **in** terms of **section 10 (3)(b) (vi) of the Act**.

The Competition **Commission** is currently evaluating **and** assessing the application. Any interested **party** may, within 20 business days from the date of this Notice, make written **representations** to the Competition **Commission** as to why the exemption should not be **granted**.

Such representations **may be** directed to the Acting Manager, Enforcement and **Exemptions** Division, Private Bag X23, **Lynwood Ridge, 0040, or by** facsimile to number 012 304 4332, **Case number: 2005May1594**