



THE CANADIAN
BAR ASSOCIATION
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March 10, 2022

Via email: ministerofisi-ministredeisi@ised-isde.gc.ca

The Honourable François-Philippe Champagne, P.C., M.P.
Minister of Innovation, Science and Industry
Innovation, Science and Economic Development Canada
235 Queen St
Ottawa, ON K1A 0H5

Dear Minister Champagne:

Re: *Potential amendments to the Competition Act*

I am writing on behalf of the Competition Law and Foreign Investment Review Section of the Canadian Bar Association (CBA Section) in connection with your recent announcement of potential changes to the *Competition Act*, to recommend that they be preceded by a consultation process.¹

The CBA is a national association of 36,000 lawyers, law students, notaries and academics, from every jurisdiction of Canada, with a mandate that includes seeking improvements in the law and administration of justice, and access to justice. The CBA Section is comprised of approximately 1,000 lawyers interested in promoting a greater awareness and understanding of legal and policy issues relating to competition law and foreign investment.

We welcome periodic assessments of whether amendments to the Act are necessary. We commend your intention to “carefully evaluate potential ways to improve its operation.”

The CBA Section recommends that any amendments, even those considered to be well-supported, be preceded by a transparent and inclusive consultation that will produce well-considered recommendations in support of the legislative change. Given the significance of the Act to Canada’s economic recovery and future prosperity, we also believe it important that any amendments be proposed in a stand-alone *Competition Act* amendment bill, rather than included in omnibus legislation, to allow for appropriate parliamentary scrutiny. By implementing these safeguards, changes to this important economic framework legislation will be done in a way that minimises the

¹ Minister Champagne maintains the Competition Act’s merger notification threshold to support a dynamic, fair and resilient economy (7 February 2022), available [online](#).

risk of adverse unintended consequences while ensuring that the law continues to achieve the Act's objectives.

The CBA Section would welcome the opportunity to meet with you or Deputy Minister Kennedy (copied) to further discuss these recommendations.

Yours truly,

(Original letter signed by Véronique Morissette for Omar Wakil)

Omar Wakil
Chair, CBA Competition Law and Foreign Investment Review Section

Cc: Simon Kennedy, Deputy Minister, Innovation, Science and Economic Development Canada