

# The Competitor

November 2003

## New Commissioner of Competition for Canada

by Susan M. Hutton

THE GOVERNMENT OF CANADA confirmed on Monday, November 10, 2003 that the out-going Prime Minister, Jean Chrétien, has filled the position of Commissioner of Competition, with the appointment of Sheridan Scott, currently Chief Regulatory Officer for Bell Canada. The position, Canada's senior competition law enforcement post, has been vacant since the August 14, 2003 appointment of Konrad von Finckenstein to the bench of the Federal Court of Canada. Although not a Bureau insider, Ms. Scott has extensive public and private sector credentials, having clerked at the Supreme Court of Canada before serving with the Canadian Radio-television and Telecommunications Commission (during which time the CRTC held, among

other things, land-mark hearings on long distance de-regulation) and the Canadian Broadcasting Corporation, and is well-known in Ottawa circles. The appointment has been received positively.

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For information regarding:

- **Amendments Process**
- **Canadian Bank Merger Enforcement Guidelines**

please see reverse side.

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## Amendments Process Continues

**E**VEN AS THE Commissioner of Competition is being replaced, the process set in motion last June to examine sweeping proposals to overhaul Canada's *Competition Act* continues. Written public comments were due September 30, 2003, and the Public Policy Forum, a private firm engaged to direct the public consultation process, has published its Summary Report on the Submissions by Intervenors,<sup>1</sup> summarizing the submissions to date. The submissions themselves are also available on the PPF web-site. Roundtable discussions will be held across the country during November, leading to a final PPF report. Of course, the future of the amendments will depend quite heavily on the views of, among others, the new Commissioner of Competition. Opinion has been sharply divided on the merits of many of the proposed reforms.

## Canadian Bank Merger Enforcement Guidelines to be Reviewed

Canada's Competition Bureau is seeking comments on its Bank Merger Enforcement Guidelines (BMEGs). The BMEGs were first published in 1998, in the course of the Bureau's review of the so-far-not-consummated bank mergers (the Minister of Finance ultimately nixed the merger of 4 of Canada's top banks into 2, even though the Bureau had conditionally approved both deals). Even as then-Finance Minister Paul Martin is set to become the next Prime Minister of Canada, speculation renews perennially that the banks will eventually consolidate. The review of the BMEGs is in response to the recommendation of a Parliamentary Committee that recently examined the prospect of bank mergers, but also coincides with a general overhaul of the Merger Enforcement Guidelines (the MEGs) by the Competition Bureau. Comments on the BMEGs have been requested by February 4, 2004. Details can be found on the Bureau's web-site: [www.competition.ic.gc.ca](http://www.competition.ic.gc.ca).

<sup>1</sup> [http://www.ppforum.com/competitionact/Comp\\_Bureau\\_submission\\_report.pdf](http://www.ppforum.com/competitionact/Comp_Bureau_submission_report.pdf)

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