

Unclassified

DAF/COMP/AR(2010)9



Organisation de Coopération et de Développement Économiques
Organisation for Economic Co-operation and Development

29-Sep-2010

English - Or. English

Directorate for Financial and Enterprise Affairs
COMPETITION COMMITTEE

DAF/COMP/AR(2010)9
Unclassified

ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN CANADA

-- 2009 --

This report is submitted by Canada to the Competition Committee FOR INFORMATION at its forthcoming meeting to be held on 27-28 October 2010.

JT03289062

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ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN CANADA

-- April 1, 2009 through March 31, 2010 --

Executive summary

1. From April 1, 2009 to March 31, 2010 (“fiscal year”), the Competition Bureau (“Bureau”) continued to implement the broad reforms to the *Competition Act* (“Act”) that were enacted in March 2009; notably, by publishing enforcement guidelines outlining the Bureau’s approach to enforcement of the new cartel, competitor collaboration and merger review provisions. While the majority of the 2009 amendments came into effect upon Royal Assent on March 12, 2009, the new cartel and competitor collaboration provisions came into force on March 12, 2010.

2. The Bureau undertook several enforcement actions in 2009-2010 in a number of sectors, including gasoline, real estate, and with regard to deceptive telemarketing practices. Significant fines and/or prison terms were imposed by the courts in cases involving cartels, bid-rigging, and false or misleading representations. The Bureau also concluded over 220 merger examinations during the fiscal year, including the first use of the new “Supplementary Information Request” provisions that were introduced in March 2009.

3. On the international front, the Bureau continued to be an active contributor to the work of international organizations such as the Organisation for Economic Co-operation and Development (“OECD”), the International Competition Network (“ICN”) and the International Consumer Protection and Enforcement Network (“ICPEN”). The Bureau maintained and enhanced bilateral contacts with its foreign counterparts to facilitate enforcement of the Act in the areas of merger review, cartels and deceptive marketing practices. The Bureau also participated in technical assistance and capacity-building initiatives with representatives from antitrust agencies in various countries, including Australia, Brazil, Chile, China, Russia, and Tanzania.

4. Public documents, including more detailed descriptions or full texts of many matters referred to in this annual report, are available on the Bureau Web site in English at <http://www.competitionbureau.gc.ca> and in French at <http://www.bureaudelaconurrence.gc.ca>.

Introduction

5. This annual report describes recent competition law and policy developments in Canada, and summarizes the major enforcement activities of the Bureau for the period covering April 1, 2009 to March 31, 2010.

1. Changes to competition laws and policies, proposed or adopted

1.1 Summary of new legal provisions of competition law and related legislation

1.1.1 Bill C-10: Budget Implementation Act

6. As reported in the Bureau's 2009-2009 annual report,¹ the Government of Canada introduced significant amendments to the *Competition Act* ("Act") on January 27, 2009, which were designed to modernize the Act and to align it more closely with the competition laws of Canada's major trading partners. The majority of these amendments received Royal Assent and came into force on March 12, 2009. The remaining amendments, relating to reform of the conspiracy provisions and new provisions on competitor collaborations, came into force on March 12, 2010. The coming into force of these particular sections of the Act was delayed for one year to allow businesses time to adjust to the new law.

7. The introduction of a two-stage merger review mechanism, as described in last year's annual report, necessitated amendments to the *Notifiable Transactions Regulations*, SOR/87-348 (the "Regulations"). In particular, amendments were required to eliminate the separate "short form" and "long form" notification information requirements in favour of a uniform notification. Other amendments to the Regulations included corrections to outdated statutory section references, a mechanism to facilitate the electronic submission of certain documents, and a reduction in the amount of information that parties to a proposed transaction are required to supply to the Commissioner of Competition for the purpose of pre-merger notification. These amendments were published for public consultation on April 4, 2009, and came into force on February 2, 2010.

1.2 Summary of proposed legal provisions of competition law and related legislation

1.2.1 Bill C-27: The Electronic Commerce Protection Act

8. On April 24, 2009, the Minister of Industry introduced Bill C-27, An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act (short title: the Electronic Commerce Protection Act ("ECPA")). The Bill is intended to deter spam, including identity theft, phishing and spyware, and to help drive spammers out of Canada. It was referred to the Standing Committee on Industry, Science and Technology on May 8, 2009, and underwent extensive study by the Committee.

9. The Government of Canada had launched an Anti-Spam Action Plan for Canada in 2004, which established a private-sector task force to examine the issue of unsolicited commercial email, or "spam". The task force issued a report in May 2005, examining the spam situation in Canada, and recommended, among other measures, that legislation be specifically created to combat spam.

¹ OECD, Competition Committee, *Annual Report on Competition Policy Development in Canada* (April 1, 2008 to March 31, 2009) at para. 7 [DAF/COMP(2009)27/04].

10. Bill C-27 proposed a new statute, the ECPA, and amendments to four existing statutes, including the *Competition Act*. Under the ECPA, several agencies would be involved in the regulation of spam, including the Bureau, the Office of the Privacy Commissioner, and the Canadian Radio-television and Telecommunications Commission (“CRTC”). In addition to establishing a regulatory scheme to deal with spam in Canada, the Bill would give these agencies the power to share information and evidence with international counterparts in order to address spam originating from outside the country.

11. The Bill would also allow businesses and consumers to take civil action against those who have violated the ECPA, and would allow the Competition Tribunal to charge offenders with administrative monetary penalties of up to \$1 million for individuals, and \$10 million for all other offenders.

12. The Bill was passed by the House of Commons in November 2009, and was referred to the Senate Standing Committee on Transport and Communications in December. Parliament was prorogued on December 30, 2009, meaning that this Bill, as with all other legislation in progress, did not proceed to the next stage of consideration by Parliament. As of March 31, 2010, the Government had not reintroduced the ECPA.

1.2.2 *Bill C-46: Investigative Powers for the 21st Century Act*

13. Bill C-46: An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act (short title: Investigative Powers for the 21st Century Act) was introduced in the House of Commons on June 18, 2009.

14. The Bill was intended to modernize *Criminal Code* offences and investigative powers, as well as to create new investigative powers, account for new communications technologies, and equip law enforcement with investigative tools updated for the modern technological environment.

15. The new provisions of the *Criminal Code* concerning demands and orders for the preservation and production of data would apply to certain investigations under the Act.

16. The Bill also modernizes certain deceptive marketing practices offences, such as deceptive telemarketing and misrepresentations regarding a product or service, and replaces the reference to “telephone” as the means of committing these offences with “any means of telecommunication”.

17. The Bill was referred to the House of Commons Standing Committee on Public Safety and National Security on October 27, 2009; however, the Committee had not commenced its study of the Bill before Parliament was prorogued on December 30, 2009. As of March 31, 2010, the Bill had not been reintroduced.

1.2.3 *Bill C-47: Lawful access*

18. Bill C-47, An Act regulating telecommunications facilities to support investigations (short title: Technical Assistance for Law Enforcement in the 21st Century Act), was introduced in the House of Commons on June 18, 2009.

19. This Bill was designed to address concerns expressed by law enforcement agencies in Canada that new technologies often present obstacles to lawful communications interception. Pursuant to the Bill, telecommunications service providers would be required to have the capability to intercept communications made using their networks, regardless of the transmission technology used. Law enforcement agencies would also be able to access basic information about telecommunications service subscribers in the course of their investigations.

20. Only a person designated by the Commissioner of the Royal Canadian Mounted Police (“RCMP”), the Director of the Canadian Security Intelligence Service, the Commissioner of Competition or a chief of police would be authorized to make a request for information under the Bill. A request for information would be made only in the course of an investigation, and the information obtained would be used solely for the purposes of that investigation.

21. The Bill was referred to the House of Commons Standing Committee on Public Safety and National Security on October 29, 2009; however, the Committee had not commenced its study of the Bill before Parliament was prorogued on December 30, 2009. As of March 31, 2010, the Bill had not been reintroduced.

1.3 Other relevant measures

1.3.1 Private members’ business²

22. During the second and third sessions of the 40th Parliament, a number of Private Members’ Bills were introduced that were related to the Bureau’s mandate or legislation falling within its enforcement responsibility.

- Private Members’ Bill C-273: An Act to amend the Competition Act and the Canadian Environmental Protection Act, 1999 (right to repair)

This Bill proposed to amend the definition of “product” in section 75 of the Act (the refusal to deal provision) to allow the Competition Tribunal to require a supplier to provide necessary technical information to service a customer’s vehicle. It also proposed to amend the *Canadian Environmental Protection Act, 1999* to require automakers to provide access to the service, training information and diagnostic tools necessary to repair vehicles.

Bill C-273 was referred to the House of Commons Standing Committee on Industry, Science and Technology on October 28, 2009. At the first Committee meeting on the Bill, evidence was given that a voluntary agreement had been reached between vehicle manufacturers and the after-market service and repair industry that addressed the issues at hand. The Bill’s sponsor tabled a motion that the Bill not proceed any further, which was adopted by the Committee.

- Private Members’ Bill C-325: An Act to amend the Competition Act and the Food and Drugs Act (child protection against advertising exploitation)

This Bill proposed to expressly restrict advertising and promotion, for commercial purposes, directed to children less than 13 years of age.

As of March 31, 2010, the Bill had not been brought forward for consideration.

- Private Members’ Bill C-452: An Act to Amend the Competition Act (Inquiry into Industry Sector)

Introduced on October 1, 2009, this Bill proposed to authorize the Commissioner of Competition to inquire into an entire industry sector where the Commissioner believes it necessary, using the formal evidence-gathering powers already contained in the Competition Act. As of March 31, 2010, the Bill had not been brought forward for consideration.

² Members of Parliament can introduce legislative and policy proposals to change, create or amend a Federal Government statute.

1.3.2 Federal government representations to Parliamentary committees

23. Industry Canada and Competition Bureau officials appeared at Parliamentary Committees on three occasions between April 1, 2009 and March 31, 2010.

- Bill C-10, the Budget Implementation Act

In May 2009, as part of the Parliamentary review of the Federal Budget, which included significant amendments to the *Competition Act*, Industry Canada and Bureau representatives appeared before the Senate Standing Committee on Banking, Trade, and Commerce.

- Competitiveness of Canadian agriculture

In May 2009, Bureau representatives also appeared before the House of Commons Standing Committee on Agriculture and Agri-Food to answer questions as part of the Committee's study of competitiveness issues in the agricultural sector. In particular, the Bureau was asked for details regarding a recent merger review in the beef processing industry. The Bureau provided information in the context of its confidentiality obligation in section 29 of the Act.

- Bill C-27, the Electronic Commerce Protection Act

In June 2009, Industry Canada and Bureau representatives appeared before the House of Commons Standing Committee on Industry, Science and Technology to answer questions during the Committee's examination of Bill C-27, the ECPA.

- Credit and debit cards

In November 2009, Bureau representatives appeared before the House of Commons Standing Committee on Industry, Science and Technology to answer questions in relation to the Committee's study on credit card interchange fees and the debit payment system in Canada.

1.3.3 Guidelines and information bulletins

24. Between April 2009 and March 2010, the Bureau released several guidelines and bulletins, in both draft and finalized forms, as part of its ongoing commitment to transparency and predictability.

- Agreements between competitors

On May 8, 2009, the Bureau released its draft *Competitor Collaboration Guidelines* (the "Guidelines") for public consultation and solicited stakeholder comments, which informed development of the final Guidelines. The Guidelines set out the Bureau's interpretation of the new criminal cartel and civil competitor collaboration provisions, and describe how the Bureau will exercise its enforcement discretion. The Guidelines also contain a detailed description of how certain common types of agreements among competitors, such as joint distribution and sales agreements, will be addressed under the new civil agreements provision of the Act. The Bureau published its final *Competitor Collaboration Guidelines* on December 23, 2009.

- Merger review

As reported in last year's annual report, on March 24, 2009, the Bureau released a draft of its revised *Merger Review Process Guidelines* for public comment. The *Merger Review Process*

Guidelines describe the Bureau's general approach to administering the two-stage merger review process that was introduced pursuant to the 2009 amendments to the Act. In particular, the Guidelines outline the supplementary information request ("SIR") process, including a description of the practices and procedures that the Bureau will follow to ensure that the potential burden on parties in responding to a SIR is no greater than necessary, while at the same time enabling the Bureau to obtain information required to conduct its review. The Bureau published its final *Merger Review Process Guidelines* on September 18, 2009.

- Deceptive marketing and false or misleading representations

On April 29, 2009, the Bureau published its final *Bulletin on Multi-level Marketing Plans and Schemes of Pyramid Selling*. The purpose of this Bulletin is to provide guidance on the Competition Bureau's policies and procedures relating to the administration of the multi-level marketing and pyramid selling provisions of the Act.

On September 21, 2009, the Bureau published its *Enforcement Guidelines on Consumer Rebate Promotions*. The Guidelines clarify the Bureau's interpretation of the false or misleading representations provisions of the *Competition Act*, the *Consumer Packaging and Labelling Act* and the *Textile Labelling Act* as they relate to consumer rebate promotions. Subsequently, on December 14, 2009, the Bureau produced a pamphlet entitled *Rebates: The Real Deal*, which contains information to assist consumers in making more informed decisions about rebates.

On December 22, 2009, the Bureau published its *Enforcement Guidelines on "Product of Canada" and "Made in Canada" Claims*. These Guidelines describe the Bureau's approach to assessing "Product of Canada" and "Made in Canada" claims for non-food products under the false or misleading representations provisions of the *Competition Act*, the *Consumer Packaging and Labelling Act* and the *Textile Labelling Act*.³

On October 16, 2009, the Bureau updated a number of additional enforcement guidelines in the area of deceptive marketing to reflect the March 2009 reforms to the Act, including guidelines on:

- Enforcement Guidelines: Deceptive Notices of Winning a Prize - Section 53 of the Competition Act;
- Enforcement Guidelines: Telemarketing - Section 52.1 of the Competition Act;
- Enforcement Guidelines: Application of the Competition Act to Representations on the Internet;
- Enforcement Guidelines: Ordinary Price Claims - Subsections 74.01(2) and 74.01(3) of the Competition Act, and
- Enforcement Guidelines: Promotional Contests - Section 74.06 of the Competition Act.

These guidelines outline the general approach that the Commissioner of Competition will take in enforcing these particular provisions of the Act.

³ To provide businesses with sufficient time to adapt to the Guidelines, the new Guidelines did not take effect until July 1, 2010. In addition, in order to ensure an effective and fair industry transition, and consistent with past practice when introducing new enforcement guidelines, for the six-month period following the July 1, 2010 implementation date, the Bureau confirmed that it would only consider enforcement action in circumstances of bad faith.

1.3.4 *Other*

25. In addition to the guidelines and bulletins noted above, the Bureau also issued 67 announcements describing the benefits of its activities to the economy and to Canadians. The Bureau also responded to enquiries from journalists in Canada and abroad, which resulted in over 5,300 print, radio, television and online media reports on Bureau-related matters.

26. Early in the fiscal year, the responsibilities of the Marketplace Framework Policy Branch (“MFPB”) within Industry Canada were expanded to play a more active role in the development of competition policy. The Bureau and MFPB will work closely to deliver on the competition policy agenda of the Government.

2. International cooperation developments

2.1 *Organisation for Economic Co-operation and Development*

2.1.1 Competition Committee

27. During the fiscal year, the Commissioner remained an active member of the Competition Committee (“CC”). In addition to contributing to the work of the CC, the Bureau participated in the CC’s Working Party 2 and Working Party 3. In 2009-2010, the Bureau provided input and submissions on the following topics: competition, patents and innovation; competition and regulation in accountancy; substantive test for merger review; the application of competition law to state-owned enterprises; margin squeezing; generic pharmaceuticals; failing firm defence; procedural fairness in civil competition law cases; and collusion and corruption in public procurement.

2.1.2 Committee on Consumer Policy

28. As a Canadian law enforcement agency, the Bureau also participated in the OECD Committee on Consumer Policy (“CCP”). Specifically, the Bureau provided input on several projects of the CCP, including projects on green claims and e-commerce. The Bureau also actively participated at the spring and fall CCP meetings.

2.2 *International Competition Network*

29. Since the inception of the International Competition Network (“ICN”) in 2001, the Bureau has played a vital role in its development through participation in the Steering Group and working groups on advocacy, agency effectiveness, mergers, cartels and unilateral conduct. In addition, the Bureau co-chairs the Cartel Working Group’s subgroup on Enforcement Techniques and the Operational Framework Working Group. During the fiscal year, the Bureau continued to play a pivotal role in the organizational aspects of the ICN by acting as the Secretariat and through active involvement in the Annual Conference Planning Committee.

2.2.1 Cartel Working Group

30. The Bureau’s involvement as Co-Chair of the Cartel Working Group’s subgroup on Enforcement Techniques reflects the high priority the Bureau continues to place on cartel law enforcement. This subgroup aims to improve the effectiveness of anti-cartel enforcement by identifying and sharing specific investigative techniques and advancing education and information sharing through its annual Cartel Workshop.

2.2.2 Merger Working Group

31. During the fiscal year, the Bureau participated in the ICN Merger Working Group. Work products included new *Recommended Practices for Merger Analysis on Competitive Effects* and a report on *Information Requirements for Merger Notification*.

2.2.3 Unilateral Conduct Working Group

32. The Bureau actively participated in the drafting of the *Report on the Analysis of Refusal to Deal with a Rival Under Unilateral Conduct Laws*, published by the Unilateral Conduct Working Group (“UCWG”). The Bureau’s efforts included assisting the UCWG in finalizing the questionnaire used to solicit submissions from member countries for this report.

2.3 International Consumer Protection and Enforcement Network

33. In 2009-2010, the Bureau continued to play a leadership role in the work and direction of the International Consumer Protection Enforcement Network (“ICPEN”), a voluntary organization of consumer protection law enforcement authorities from more than 40 countries. The Bureau was a member of the Advisory Group, assumed the role of Secretariat, and actively participated in the bi-annual ICPEN meeting and Best Practices Workshop in November 2009 in Sydney, Australia.

34. On November 30, 2009, the Bureau announced its participation in a joint Internet sweep by members of ICPEN to expose fraudulent and misleading Web sites. This year, the Bureau focused on loan and grant scams. During the sweep, thousands of websites and e-mails were examined by agencies from over 20 countries. As a result of ICPEN’s coordinated enforcement action, the Bureau has helped to ensure that scam artists do not undermine the credibility of legitimate online retailers.

35. The Bureau played an active role in a number of ICPEN working groups, including Best Practices in Enforcement Strategy and Fraud Prevention Month. The Bureau also participated in ICPEN’s Fraud Prevention Month in March 2010. As Chair of the Fraud Prevention Forum, the Bureau worked with its partners to raise awareness among consumers and businesses regarding the dangers of fraud.

2.4 International cooperation

36. The Bureau cooperated with the following jurisdictions in 2009-2010 with respect to international cartel and merger cases: Australia, Brazil, Chile, the European Union, Japan, Korea, New Zealand, Taiwan, the United Kingdom, and the United States.

2.5 Cooperation instruments

37. The Bureau signed no new cooperation agreements in the last fiscal year.

2.6 Free trade agreements

38. The Bureau, in partnership with Industry Canada and Canada’s Department of Foreign Affairs and International Trade (“DFAIT”), develops competition policy provisions in bilateral and regional free trade agreements (“FTAs”), and acts as the lead negotiator on competition enforcement matters on behalf of the Government of Canada.

39. During the fiscal year, the Canadian government concluded negotiations for competition law and policy provisions in an FTA with Panama. A previously negotiated FTA with Jordan was signed on June

28, 2009, and signed agreements with Peru and the European Free Trade Association came into force on August 1, 2009 and July 1, 2009, respectively.

40. Ongoing FTA negotiations during the fiscal year included negotiations on the Canada-EU Comprehensive Economic and Trade Agreement, and on agreements with the Caribbean Community, Morocco, Turkey, Ukraine, and the “CA4”, which includes Nicaragua, El Salvador, Guatemala and Honduras.

2.7 Technical assistance

41. The Bureau has provided technical assistance to foreign jurisdictions for a number of years. Since 2009, the Bureau has engaged in technical assistance and capacity-building exercises with the following jurisdictions:

2.7.1 Australia

42. A Senior Bureau Officer provided technical assistance on the subject of cartel investigations to the Australian Competition and Consumer Commission (April 15 to May 8, 2009).

2.7.2 Brazil

43. The Bureau hosted an employee of the Council for Economic Defence for a one-month internship with the Bureau’s Mergers Branch (November 16 to December 16, 2009).

2.7.3 Chile

44. The Bureau hosted six employees of the Fiscalía Nacional Económica (“FNE”) for a two-week internship with the Bureau’s Criminal Matters Branch (January 25 to February 5, 2010).

45. A Senior Bureau Official provided training/advice to cartel investigators from Chile’s FNE (September 7, 2009).

2.7.4 China

46. The Bureau hosted a delegation from the Anti-Monopoly Bureau for a one-day study visit to discuss issues relating to the Bureau’s merger enforcement approach and investigative techniques. The meeting involved representatives from the following branches: Mergers Branch, Economic Policy and Enforcement Branch and Legislative and International Affairs Branch (May 15, 2009).

47. The Bureau hosted a delegation from the Anti-Monopoly Bureau and other organizations for a one-day study visit to discuss issues relating to the Bureau’s merger review process. The meeting involved representatives from the following branches: Mergers Branch, Economic Policy and Enforcement Branch and Legislative and International Affairs Branch (November 13, 2009).

2.7.5 Russia

48. The Bureau, as Co-Chair of the Enforcement Techniques subgroup of the ICN’s Cartel Working Group, assisted Russia’s Federal Antimonopoly Service in organizing a cartel seminar, in conjunction with the OECD. The Bureau’s efforts included assisting with the development of the agenda, and presentations by a Senior Bureau Officer on searches and international cooperation (May 19-20, 2009).

2.7.6 *Tanzania*

49. The Bureau hosted a delegation from the Fair Competition Tribunal (“FCT”) for a half-day study visit. Certain aspects of competition enforcement, and related regulatory oversights, are new phenomena in Tanzania. The visit was designed to improve the capacity and efficiency of Tanzania’s tribunal by learning from Canadian competition authorities with significant experience, specifically with respect to running appeal cases brought before the Tribunal (August 21, 2009).

3. **Enforcement of competition laws**

50. The following section provides a non-exhaustive overview of the Bureau’s significant enforcement actions during the fiscal year.

3.1 *Action against anti-competitive practices*

3.1.1 *Abuse of dominance*

- Canadian Real Estate Association

In February 2010, the Bureau filed an application with the Competition Tribunal seeking an order to prohibit the Canadian Real Estate Association (“CREA”) from imposing rules on its members that limit consumer choice and prevent innovation in the market for residential real estate services.

The Bureau determined that CREA’s rules restrict the ability of consumers to choose the real estate services they want, forcing them to pay for services they do not need. The rules also prevent real estate agents from offering more innovative service and pricing options to consumers. This case is ongoing.

- Interac

In September 2007, Interac, Canada’s dominant firm in the provision of debit payment services, asked the Bureau to consent to a variation of a consent agreement previously imposed on Interac in 1996 in response to its anti-competitive conduct at that time. In February 2010, the Bureau decided not to consent to the requested variation, concluding that the safeguards in the consent agreement remained necessary to protect consumers. In particular, the Bureau did not agree that the removal of the restriction against for-profit activities by Interac would be pro-competitive, or necessary to allow Interac to remain competitive.

The Bureau indicated that it would be willing to consent to certain changes in the governance structure and corporate status of Interac to assist in better responding to any material entry by future competitors.

- Waste Management and Waste Services Inc.

In June 2009, the Bureau registered a consent agreement with the Tribunal involving two Canadian waste services companies, Waste Management of Canada Co. and Waste Services (CA) Inc. Under the terms of the agreement, the companies agreed to stop using long-term contracts that locked in customers and contained highly restrictive terms, which had the effect of foreclosing competitors from the market. These contracts had resulted in substantially less competitive markets for commercial waste collection services, leading to higher prices and reduced choice for businesses. The Bureau has observed new entry and the significant expansion of smaller existing competitors since the registration of the consent agreement.

- Hockey Canada

In July 2008, the Bureau received a complaint regarding Hockey Canada's bulletin A09-02, which outlined sanctions against so-called "outlaw" hockey leagues; leagues that operate outside the auspices of Hockey Canada, and in direct competition with the organization. The Bureau examined the bulletin and concluded that some aspects of the sanctions gave rise to issues under section 79 of the *Competition Act*.

The Bureau contacted Hockey Canada to discuss its concerns and the ensuing dialogue ultimately led Hockey Canada to eliminate or substantially modify the problematic sanctions. A revised bulletin containing new sanctions was posted on Hockey Canada's Web site. This issue was formally resolved in May 2009.

3.1.2 *Price maintenance*

51. The Bureau filed no applications involving price maintenance during the fiscal year.

3.1.3 *Conspiracy*

- Gasoline

On May 21, 2009, two individuals and a company pleaded guilty to criminal charges for conspiring to fix the price of gasoline at the pump in Victoriaville, Quebec. These guilty pleas followed the laying of charges in June 2008 against 13 individuals and 11 companies accused of fixing the price of gas at pumps in Victoriaville, Thetford Mines, Magog, and Sherbrooke, Quebec. Jean-Yves Plourde was sentenced to pay a fine of \$10,000 and perform 150 hours of community service for his involvement in the conspiracy. Daniel Drouin received an absolute discharge and made a charitable donation of \$10,000 and Les Pétroles Cadrin Inc. was fined \$90,000.

Gisèle Durand was sentenced on October 23, 2009 to four months in jail and ordered to make a \$20,000 donation to a charitable organization. Michel Dubreuil was sentenced on December 7, 2009 to six months in jail and ordered to make a \$25,000 donation to a charitable organization for his role in a conspiracy to fix the price of gasoline at the pump in Sherbrooke, Quebec.

The 2009 guilty pleas bring the total fines in the Bureau's Quebec gas inquiry to over \$2.7 million, with ten individuals and six companies pleading guilty, as of March 31, 2010. Of the ten individuals who pleaded guilty, six were sentenced to terms of imprisonment totalling 54 months.

- Air cargo

On June 26, 2009, three international air carriers, Société Air France ("Air France"), Koninklijke Luchtvaart Maatschappij N.V. ("KLM") and Martinair Holland N.V. ("Martinair") pleaded guilty and were fined \$4 million, \$5 million and \$1 million, respectively, for their part in an air cargo cartel affecting Canada. The carriers admitted to fixing surcharges on air cargo exported on certain routes from Canada.

On July 7, 2009, Qantas Airway Limited ("Qantas") pleaded guilty and was fined \$155,000 for participating in an air cargo cartel affecting Canada. Qantas admitted that its Freight Division fixed surcharges on air cargo exported on certain routes from Canada.

On October 30, 2009, British Airways Plc ("British Airways") pleaded guilty and was fined \$4.5 million for participating in an air cargo cartel affecting Canada. British Airways admitted to fixing surcharges on the sale and supply of international air cargo exported on certain routes from Canada.

The Bureau's investigation into the alleged conduct of other air cargo carriers continues.

3.1.4 Bid-rigging

52. On January 26, 2010, Tassimco Technologies Canada Inc. (“Tassimco”) of Terrebonne, Quebec, pleaded guilty to a criminal charge of bid-rigging in relation to the sale and supply of Light Emitting Diode modules for traffic signals to the City of Quebec. The company was fined \$50,000 for its role in the offence and is subject to a court order for a period of 10 years. The order requires Tassimco to implement a corporate compliance program and educate its employees about bid-rigging and conspiracy offences under the Act.⁴

53. On June 9, 2009, Theodore Martin, the former owner of TRM Technologies Inc., pleaded guilty to a criminal charge of rigging bids in a Transport Canada tendering process for an information technology contract, and was fined \$25,000. In addition, a prohibition order was issued against TRM Technologies Inc. This plea followed the laying of charges on February 17, 2009 against 14 individuals and seven companies.⁵ The case is ongoing against the remaining companies and individuals accused of rigging bids to obtain Government of Canada contracts for information technology services.

54. On June 22, 2009, a court order was issued against the Saskatchewan Roofing Contractors Association, prohibiting the association from taking any action directed toward the commission of an offence under the conspiracy and bid-rigging provisions of the Act. As part of the order, the Association agreed to advise the Commissioner of Competition immediately in writing if it becomes aware of any unauthorized communications or activity relating to the pricing of products; implement a compliance program for its members; and educate its members about the bid-rigging and conspiracy offences in the Act.

3.1.5 Other activities

55. From April 1, 2009 to March 31, 2010, Bureau representatives conducted 53 outreach presentations across Canada. The majority of the presentations targeted government procurement officials to educate them on the detection and prevention of bid-rigging.

56. During the fiscal year, the Bureau also continued its collaboration with the Competition Law Section of the Canadian Bar Association through Working Groups on section 11 orders, leniency, and sealing orders.

3.2 Mergers and acquisitions

3.2.1 Statistics on mergers examined under the competition act

57. During the fiscal year, the Bureau concluded 221 merger examinations, with 11 examinations ongoing at March 31, 2010. Of the 221 examinations that were completed at the end of the fiscal year: (i) six resulted in consent agreements between the parties and the Bureau; (ii) in one case, the Bureau was satisfied that remedies obtained by foreign agencies resolved Canadian competition concerns; (iii) one transaction was abandoned by the parties as a result of the Bureau’s concerns regarding the competitive effects of the merger; (iv) two transactions were abandoned before the completion of the Bureau’s

⁴ This plea followed the laying of charges in this matter on October 30, 2006 against Électroméga Limitée (“Électroméga”) and Tassimco, and an individual from each corporation. On May 25, 2010, the Superior Court of Quebec dismissed the charges against Électroméga.

⁵ Shannon Lambert of Veritaaq Technology House Inc. (“Veritaaq”) pleaded guilty to one count of bid-rigging on February 23, 2009. She cooperated fully with the Bureau’s investigation. Ms. Lambert was given an absolute discharge and made a \$5,000 donation to charity. In addition, a prohibition order was issued against Veritaaq.

examination, for reasons unrelated to the Bureau's position regarding the competitive effects of the merger; and (v) in 211 examinations, the Bureau concluded that the transaction did not raise significant competition issues under the Act, issuing an Advance Ruling Certificate ("ARC") in 139 of these transactions.⁶

3.2.2 *Summary of significant cases*

58. On January 26, 2009, Pfizer Inc. ("Pfizer") announced that it would acquire Wyeth in a transaction valued at \$68-billion. As part of its comprehensive review of the proposed transaction, on May 8, 2009, the Bureau issued one of its first SIRs under the new two-stage merger review process that came into force in March 2009. To resolve the serious competition concerns raised by the proposed merger, on October 14, 2009, the Bureau and the parties entered into a consent agreement requiring the divestiture of a significant number of animal pharmaceutical and vaccine products to Boehringer Ingelheim Vetmedica, Inc. Pfizer was also required to amend an arrangement with Paladin Labs Inc. governing the supply in Canada of a human pharmaceutical product marketed under the name of "Estring" to ensure continued competition in the supply of hormone replacement therapy products in Canada. Over the course of its review, the Bureau cooperated closely with the U.S. Federal Trade Commission.

59. In February 2009, Ticketmaster Entertainment, Inc. ("Ticketmaster") and Live Nation, Inc. ("Live Nation") announced their intention to merge. Historically, Ticketmaster was Canada's largest supplier of ticketing services and, during 2008 and early 2009, Live Nation had taken certain steps to enter the Canadian ticketing services market. Following a detailed review, the Bureau concluded that the proposed merger between Ticketmaster and Live Nation raised serious competition concerns, owing to the fact that it would prevent Live Nation from entering the Canadian marketplace as a direct competitor to Ticketmaster. It would also raise barriers that would deter other companies from entering the market to compete against the merged Ticketmaster-Live Nation entity. To resolve these concerns, the parties made certain commitments to the Bureau and U.S. antitrust authorities in January 2010, whereby Ticketmaster agreed to sell its subsidiary ticketing business (Paciolan) to a leading venue management company and license its ticketing system for use by the second-largest promoter of live events in North America. Ticketmaster and Live Nation also consented to abide by certain behavioural commitments to preclude anti-competitive bundling of their services. The divestiture of Paciolan was completed in March 2010, and the Ticketmaster ticketing system is currently being licensed to the second largest promoter of live events in North America.

60. In February 2009, Agrium Inc. ("Agrium") proposed to acquire CF Industries ("CF") in a hostile bidding scenario. After an extensive review of the proposed transaction, the Bureau concluded that the acquisition would likely result in a substantial lessening or prevention of competition in the wholesale supply of certain nitrogen fertilizer products in Alberta and Saskatchewan. To resolve these competition issues, the Bureau and Agrium entered into a consent agreement in November 2009, requiring Agrium to divest half of its nitrogen-based fertilizer production facility in Carseland, Alberta, and to supply additional product to Terra Industries Inc., a new entrant into Western Canada.⁷

⁶ An ARC may be issued by the Commissioner to a party or parties to a proposed merger transaction who want to be assured that the transaction will not give rise to proceedings under section 92 of the Act. Section 102 of the Act provides that an ARC may be issued when the Commissioner is satisfied that there would not be sufficient grounds on which to apply to the Competition Tribunal for an order against a proposed merger. The issuance of an ARC is discretionary. An ARC cannot be issued for a transaction that has been completed, nor does an ARC ensure approval of the transaction by any agency other than the Bureau.

⁷ Agrium was ultimately unsuccessful in its attempt to acquire CF, and the consent agreement was rescinded in May 2010.

61. On March 8, 2009, Merck & Co, Inc. (“Merck”) and Schering-Plough Corporation (“Schering-Plough”) entered into a merger agreement. Competition concerns related to certain animal health markets were resolved when Merck divested its 50-percent interest in Merial Limited (“Merial”) to Sanofi-Aventis on September 17, 2009. However, Merck, Schering-Plough and Sanofi-Aventis entered into a Call Option Agreement on July 29, 2009 that provides Sanofi-Aventis with the ability to eventually combine the Merial and Schering-Plough animal health businesses. On October 29, 2009, the Bureau, Merck and Schering-Plough entered into a consent agreement, whereby any combination of these assets contemplated within 10 years would be subject to prior review and approval by the Bureau. The consent agreement also required the divestiture to OPKO Health, Inc. of a human health product in development for the treatment of chemotherapy-induced and post-operative side effects, to remedy competition concerns raised by the proposed merger in relation to the supply of products used in the treatment of these medical conditions. The Bureau cooperated closely with the U.S. Federal Trade Commission over the course of its review.

62. On March 23, 2009, Suncor Energy Inc. (“Suncor”) and Petro-Canada announced that the companies planned to merge to create an entity with an estimated market value of \$43.3 billion. After an extensive review of the proposed transaction, which involved the issuance of one of the first SIRs following the 2009 amendments to the Act, the Bureau concluded that the acquisition would likely result in a substantial lessening or prevention of competition in the retail marketing of gasoline in southern Ontario, and in respect of the wholesale supply of gasoline in the Greater Toronto Area (the “GTA”). To resolve the competition issues raised by the proposed merger, on July 21, 2009, the Bureau entered into a consent agreement with Suncor and Petro-Canada, requiring them to divest and provide supply to 104 retail gas stations in southern Ontario and to sell approximately 1.1 billion litres of terminal storage and distribution capacity annually, to be used for wholesale distribution at their terminals in the GTA for a period of 10 years. The merged company must also supply 98 million litres of gasoline each year, for 10 years, to independent gasoline marketers. In August 2009, pursuant to the terms of the consent agreement, the Bureau approved the divestiture of terminal storage and distribution capacity to Ultramar Ltd., following which Suncor entered into terminalling agreements with Ultramar Ltd. for the acquired capacity for the full 10-year period. In December 2009, the Bureau approved the divestiture of 98 retail gas stations in southern Ontario to Husky Energy Inc. Arrangements are also in place for the remaining six stations to be divested.

63. In April 2009, Clean Harbors Inc. (“Clean Harbors”) announced its intention to acquire Eveready Inc. Following an extensive review, the Bureau concluded that the proposed transaction would likely substantially lessen or prevent competition for the disposal of Class I solid hazardous waste in Alberta. The Bureau was concerned that, among other things, the transaction could result in higher prices for solid hazardous waste disposal, as Clean Harbors would have owned the only two Class I hazardous waste landfills in Alberta. In July 2009, the Bureau reached an agreement with Clean Harbors requiring the divestiture of the Pembina Area Landfill.⁸

3.3 *Misleading advertising and deceptive marketing practices*

3.3.1 *Criminal*

64. On May 7, 2009, the Bureau announced that charges had been laid under the *Criminal Code* against eight individuals for their alleged involvement in a variety of fraudulent cheque schemes, following an investigation by the Toronto Strategic Partnership. These schemes targeted hundreds of individuals, businesses and financial institutions in the United States. The Toronto Strategic Partnership consists of the Competition Bureau, the Toronto Police Service Mass Marketing Fraud Unit, the OPP Anti-Rackets

⁸ In April 2010, Clean Harbors successfully fulfilled the terms of its consent agreement with the Bureau by divesting its Pembina Area Landfill to Secure Energy Services Inc.

Squad, the RCMP-GTA Commercial Crime Section, the Ontario Ministry of Small Business and Consumer Services, the Canadian Anti-Fraud Centre, the U.S. Federal Trade Commission, the U.S. Postal Inspection Service and the U.K. Office of Fair Trading.

65. On June 2, 2009, the Bureau announced that it would take action against 50 organizations and individuals in the Montreal area, including executing ten search warrants, as part of “Operation Mirage”, a campaign to combat fraudulent telemarketing operations offering business directories. The initiative benefited from the assistance of the COLT partnership (RCMP, Sûreté du Québec, City of Montreal Police Service, Canada Border Services Agency, U.S. Federal Trade Commission, Federal Bureau of Investigation, Department of Homeland Security and the U.S. Postal Inspection Service).

66. On June 16, 2009, the Bureau announced that four companies (Infogroup Data Inc., Allegiance Publishing Inc., 2957647 Canada Inc. and 3433587 Canada Inc.) had pleaded guilty to deceptive telemarketing charges involving the sale of business directories, and were fined \$725,000. In addition, the Superior Court of Quebec, Criminal Division prohibited Bianca Rosa Pazzano and Darren Johnston, two individuals who operated these companies, from engaging in telemarketing activities related to business directories for a period of five years.

67. On July 27, 2009, the Bureau announced that a Toronto man, Bernard Fromstein, had received a two-year sentence in a federal penitentiary and the maximum period of probation of three years for his involvement in a fraudulent telemarketing scheme, DataCom Marketing Inc., which targeted customers in Canada and the United States. In addition to his jail sentence, Mr. Fromstein was also prohibited from engaging in any form of telemarketing for a period of 10 years.

68. On August 31, 2009, the Bureau announced that a Toronto man, David Stucky, who distributed millions of deceptive direct mail promotions to consumers relating to sweepstakes and lottery offers, had pleaded guilty to offences under the Act and would pay a fine of \$2 million. In addition, Mr. Stucky was placed on probation for 18 months and received a suspended sentence for his involvement in a second deceptive scheme, a sweepstakes look-alike offer marketed under the name Canadian Equity Funding. During his probation, Mr. Stucky was required to donate \$100,000 to charity. Mr. Stucky was also prohibited from engaging in any form of mass marketing for 10 years, and ordered to file an affidavit with the Bureau stating his occupation each year for a five year period. Both promotions were based out of the Toronto area, but targeted customers outside of Canada.

69. On October 1, 2009, the Bureau announced that Lookman Temidayo Adegbola of Brampton, Ontario, had been sentenced to 3 ½ years in prison for operating an employment opportunity scam involving counterfeit cheques. This is the longest jail sentence ever imposed in a Bureau prosecution. The victims, located in the United States, were led to believe they had been hired as secret shoppers to evaluate the services of MoneyGram, an international money transfer service. They were provided with cheques and instructed to deposit them in their own accounts. They were then instructed to withdraw the money and wire it to Canada under the pretext of assessing the customer service provided by the money transfer outlet. The cheques were subsequently identified as counterfeit. When the banks reversed the counterfeit deposits, the victims were left liable for the money withdrawn. Victims reported losses ranging from \$2,400 (USD) to \$9,000 (USD) each. The accused was ordered to pay \$26,000 in restitution.

70. On November 30, 2009, the Bureau announced that two individuals involved in cross-border mass marketing fraud had been sentenced to serve time in prison. Earl Lawrey Matthews, a U.S. citizen, and Reyanne Briand, formerly of Newfoundland, each received three-year prison sentences for fraud-related offences, and a sentence of six months for possession of stolen property, to be served concurrently. Their company, Aid4Families, advertised on the Internet and guaranteed exorbitant monthly returns to

investors. The investigation revealed that the pair's endeavours netted them upwards of \$500,000 from U.S. residents.

71. On November 30, 2009, the Bureau announced that three people had pleaded guilty under the deceptive telemarketing provisions of the Act. Between October 28, 2003, and February 23, 2005, the telemarketers, promoting a directory on CD with information on various organizations and businesses, contacted small and medium-sized businesses and acted as though victims were already clients of the telemarketing company, or that the product would be provided to them at no charge. However, the victims received an invoice if they kept the CD or, if they returned it, were forced to pay separate fees. In addition to a six-month conditional sentence, accompanied by strict curfew conditions, these individuals were also prohibited from engaging in telemarketing for 10 years.

72. On December 18, 2009, the Bureau announced that the Ontario Superior Court had imposed a record \$15 million fine against DataCom Marketing Inc. for operating a business directory scam targeting Canadian and U.S. businesses. Toronto-based DataCom had contacted thousands of small and **medium-sized** businesses between 1994 and 2005, tricking these businesses into believing that they had already ordered a business directory listing, and using deceptive scripts and aggressive collection tactics. Victims lost hundreds of dollars each, while the scam netted DataCom \$12.9 million in profits.

73. On February 26, 2010, the Bureau announced that the Ontario Superior Court had sentenced Olufemi Olutunde to 12 months in jail and had ordered him to pay restitution of \$23,000 to 14 victims for his part in an employment opportunity scam involving counterfeit cheques. The scheme targeted Canadian residents who applied for employment positions. After being hired, they were provided with cheques, instructed to deposit them and then told to withdraw cash and wire it to individuals through Western Union Financial Services. The majority of the victims were led to believe they were assessing the customer service provided by the money transfer outlet while acting as secret shoppers. All cheques were subsequently identified as counterfeit and the victims were left liable to their banks for the money withdrawn from their accounts. Victims reported losses ranging from \$1,900 to \$18,000. The Bureau's investigation, which was assisted by the Toronto Strategic Partnership, has since led to further arrests and charges.

3.3.2 *Civil*

74. On June 25, 2009, the Bureau announced that it had secured commitments from seven Canadian hot tub and spa retailers making representations that their *Dynasty Spas* products were associated with the ENERGY STAR program, an international standard for energy-efficient consumer products. The Bureau concluded that these representations violated the Act, in that they were materially false or misleading and influenced consumers in their decision to purchase the products.

75. On October 16, 2009, the Federal Court of Appeal granted the Bureau's appeal and held that a Vancouver-based career management company had misled the public and violated the Act by selling its job placement services. Past court decisions had ruled that companies contravene the Act when marketing their products if they make misleading statements to a group of consumers, all at one time. The Court of Appeal's decision confirms the Bureau's position that the law also prohibits companies from making misleading statements to a number of individual consumers, one at a time. Premier Career Management Group ("PCMG") and its president, Minto Roy, convinced clients to pay \$5,000 to \$7,000 each by misleading them to believe that the company would provide contacts and arrange job interviews and find jobs quickly. This ruling overturns a July 2008 decision of the Competition Tribunal that denied the Bureau's application to stop PCMG's misleading conduct, which had targeted vulnerable job seekers.

76. On November 5, 2009, the Bureau announced that Ontario-based Phonetime Inc. had agreed to offer refunds to consumers who bought *Bravo!* and *Bravo! Atlantic* prepaid long-distance phone cards. The company also agreed to pay \$300,000 in penalties and costs. This resolution followed a Bureau investigation into misleading representations relating to Phonetime's advertising of prepaid long-distance phone cards, including hidden fees, higher per-minute rates and fewer minutes than advertised.

77. On November 23, 2009, the Bureau announced that Manitoba-based Elkhorn Ranch & Resort Ltd., which sold time shares for vacation properties, had agreed to pay \$170,000 in penalties and costs for running misleading promotional contests.

78. On January 7, 2010, the Bureau announced that it had reached settlements through consent agreements with two additional Canadian hot tub retailers who were making unsupported claims that their Dynasty Spas products were associated with the ENERGY STAR Program. Polar Spas (Edmonton) Ltd. and Sleepwise Inc. agreed to stop making the claims and issued corrective notices about their Dynasty Spa products. Sleepwise and Polar Spas had advertised that their products were ENERGY STAR-certified; the Bureau determined that this was not the case.

3.3.3 *Voluntary compliance*

79. On December 15, 2009, the Bureau announced that Cogeco had clarified certain advertising claims about the speed of its Internet services, in order to resolve concerns raised by the Bureau. The Bureau was of the view that Cogeco was promoting its Internet services to residents in the cities of Drummondville and Saint-Hyacinthe as being "the fastest" without having based such claims on fair comparisons. This raised issues under the misleading representations provisions of the Act, because the claims in question did not allow consumers to compare the speed of Cogeco's services with those of all of its competitors, so as to verify whether Cogeco was indeed offering "the fastest" services.

80. On January 27, 2010, the Bureau announced that more than 450,000 textile articles had been re-labelled and over 250 Web pages had been corrected as a result of the Bureau's efforts to ensure that textile articles derived from bamboo are accurately labelled and advertised. As part of this initiative, the Bureau contacted a variety of retailers, importers, manufacturers, sellers, processors and finishers to inform them of its concerns regarding certain textile labelling and advertising. The Bureau's actions included letters and emails, as well as direct discussions, on-site inspections and, in one instance, independent testing. The Bureau took action because of concerns over potentially misleading labelling and advertising in the marketplace with respect to textile articles labelled "bamboo". While such textile articles may be derived from bamboo pulp, they have not been made from natural bamboo fibre and are, in fact, rayon fibres made through a chemical process. Consumers may be paying a higher price for such articles on the assumption that the articles have environmentally friendly or health-enhancing qualities.

3.3.4 *Activities and awards*

81. On November 4, 2009, Health Canada and the Bureau issued a joint consumer advisory warning Canadians not to purchase from the Internet or other sources unauthorized products that claim to fight or prevent the H1N1 flu virus.

82. On November 30, 2009, the Bureau announced its participation in a joint Internet sweep to expose fraudulent and misleading Web sites in conjunction with members of the International Consumer Protection and Enforcement Network ("ICPEN"). The Bureau's focus for the sweep was loan and grant scams.

83. On February 25, 2010, the Bureau launched the 7th annual Fraud Prevention Month, an annual education and awareness campaign in Canada and around the world. The Competition Bureau chairs the Fraud Prevention Forum (“Forum”), a committed group of over 100 private sector firms, consumer and volunteer groups, government agencies and law enforcement organizations, concerned with fighting fraud aimed at consumers and businesses. During this month, Forum members participated in a number of targeted activities across the country designed to raise awareness among consumers and businesses about the dangers of fraud. Some of these activities included Scam Jams, which are anti-fraud events hosted by Better Business Bureaus, and Community Shred, a one-day shredding event on March 27, 2010 organized by Shred-it and held in 13 cities across Canada.

4. The role of competition authorities in the formulation and implementation of other policies

84. The Bureau has made a number of competition-related interventions in various sectors, including the professions, pharmaceuticals, and the environment. The following summarizes these interventions, their outcomes and potential benefits for Canadians in 2009-2010.

4.1 The professions

85. In 2009-2010, the Bureau continued to monitor progress in the provision of professional services since the release of the *Study of Self-Regulated Professions* in December 2007.⁹ As intended, the study has initiated dialogue on how to improve competition in the self-regulated professions. Since its completion, several professional groups have contacted the Bureau to discuss the study and its recommendations, and many have indicated that the study has prompted a review of their regulations with a view to removing or modifying those that unnecessarily restrict competition. As well, professional groups that were not specifically studied continue to approach the Bureau to discuss the principles of effective regulation advanced in the study.

4.2 Pharmaceuticals

86. As reported in last year’s report, on November 25, 2008, the Bureau published a report entitled *Benefiting from Generic Drug Competition in Canada: The Way Forward*. The report suggests ways to make the generic drug market work better for consumers, businesses and governments in order to get the most value for Canadians’ health-care dollars. The report follows the earlier *Generic Drug Sector Study*, released in October 2007, which concluded that the design of drug plans in Canada had not resulted in the benefits of competition being passed on to Canadians in the form of lower prices. In 2009-2010, the Bureau continued to monitor ongoing initiatives by public and private drug plan administrators to obtain lower drug prices.

4.3 Environment

87. In 2009-2010, the Bureau actively assisted regulators and dealt with complaints/queries from stakeholders on provincial programs dealing with recycling, and the design and implementation of waste management stewardship programs. The Bureau has been involved at a number of levels, including providing advice to provincial governments and the respective stewardship organizations responsible for implementing recycling programs.

⁹ See “Self-regulated professions - Balancing competition and regulation” (2007) online: Competition Bureau <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/02523.html>.

5. Resources of competition authorities

5.1 Resources overall

5.1.1 Annual budget

88. In the 2009-2010 fiscal year, the Bureau received CAN\$50.6 million from Treasury Board for its budget.

5.1.2 Number of Employees (person-years)

- 241 Competition Law Officers (various professional backgrounds: lawyers, economists, etc.);
- 14 Economists;
- 124 Support Staff (includes employees carrying out informatics, administrative services and support functions);
- 14 Paralegals;
- 27 Executives;
- 23 Lawyers and 2 Paralegals (employees of the Department of Justice and Public Prosecution Service Canada);
- 420 Bureau staff combined (excluding employees of the Department of Justice and Public Prosecution Service Canada).

5.2 Period covered by the above information

- April 1, 2009 to March 31, 2010.

6. References to new reports and studies on competition policy issues

- Nil.