



ICN Teleseminar
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Competition Advocacy

A Strategic Approach

Competition Bureau of Canada



The views expressed in this presentation do not necessarily reflect those of the Competition Bureau of Canada.



Competition Bureau

- Independent organization that contributes to the prosperity of Canadians by protecting and promoting competitive markets and enabling informed consumer choice.
- Commissioner of Competition is responsible for the enforcement and administration of the *Competition Act*.
- Roles
 - Review mergers
 - Investigate anti-competitive behaviour, including price fixing/bid-rigging, abuse of dominance and deceptive marketing practices
 - Advocate for competition





Statutory Role to Advocate for Competition

- The Commissioner of Competition can intervene:
 - as a right, before any federal board, commission or other tribunal in order to make representations to, and call evidence in respect of the factors regarding competition that the board, commission or tribunal should take into consideration in determining the matter.
 - with leave, before provincial boards, commissions or other tribunals to make similar representations.





Statutory Role to Advocate for Competition (continued)

- The Bureau considers itself a “reasoned advocate”.
- Role is to encourage regulators and legislators to adopt approaches that rely to the greatest extent possible on market forces.
- Where regulation is necessary, the Bureau advocates that the regulation be the minimal degree necessary to achieve the objectives of the regulator.





Our Approach to Advocacy

- Advocacy been carried out on an “Ad-Hoc” basis
- Three major types:
 - Interventions
 - Input into government policy development (both formal and informal)
 - Market studies





Regulatory Interventions

- Formal Interventions
- Other interventions
- Regulatory-related matters





Governmental Policy Interventions

- Governmental policy interventions are made by the Bureau to all levels of government (federal, provincial or municipal).
- Focus has been to assess the potential impact on competition in the economy of proposed legislation, regulation or government policies.
- Formal interventions by the Bureau have included written submissions, accompanied by expert affidavits, providing an assessment of the likely competitive impact of a proposed policy.
- Informal advice is also provided by the Bureau on a regular basis.





Market Studies

- The Bureau has the ability to conduct market studies as part of its role as advocate for market forces. It cannot however use formal powers to obtain information. Consequently, these studies require a great deal of stakeholder co-operation.
- Market studies can be a useful tool to examine features of specific markets that might be restricting or hindering competition.
 - industry business practices, codes of conduct, professional standards and licensing requirements.
 - regulation or some other form of government intervention in the marketplace.
- The Bureau market studies generally conclude with recommendations that call for changes to resolve the competitive hindrances.
 - Generic Drug Sector Studies
 - Professions Study



Moving Forward: The Advocacy Co-ordination Function

- Advocacy continues to be a Bureau priority but in light of ongoing resource constraints, we are adopting a more strategic approach to our choice of issues.
- The Position of Director of Advocacy Co-ordination was created to oversee the development, co-ordination and completion of advocacy projects.
- Advocacy projects will be determined as part of the overall Bureau priority setting activity.
- Advocacy priorities will be evaluated along with enforcement priorities for the purposes of obtaining the approval of funding.





Any Questions?

