

April 6, 2020

## Charles Tingley Speaks to PaRR Global About COVID-19's Impact on Canadian Competition Law

In its coverage of the COVID-19 pandemic (available to subscribers), global news service PaRR featured Davies partner [Charles Tingley](#) for his perspectives on how the crisis is affecting the competition landscape in Canada.

Charles noted that merger reviews may be delayed, in part because of the difficulty in reaching market contacts, such as customers and suppliers of the merging parties, and he suggested that parties provide additional information to facilitate market contacts and "stay in very close contact with the mergers directorate."

Moreover, because the crisis may force the Bureau to prioritize certain matters, "non-complex transactions that normally get cleared quite quickly could find their way to the bottom of the pile." If a transaction is extremely urgent, he advised, parties should "think about their filing strategy" to trigger statutory time frames and "run the clock" on reviews.

In a second article, Charles pointed out that the Bureau has signalled an increased focus on fighting "opportunistic collusion" during the pandemic while also noting that the *Competition Act* permits "pro-competitive competitor collaborations" to address the challenges of COVID-19.

The Act does not prohibit certain restraints on competition if they are related to a larger agreement between parties engaging in "lawful" coordination with "legitimate aims," he explained, acknowledging that the definition is "highly evaluative ...[with] an element of enforcement discretion."

Since the Bureau has indicated that it will make cartel enforcement an enhanced priority at this time, "market participants need to be on their guard," he warned.

For more information on the competition-related impacts of COVID-19, see our bulletins, [Canadian Competition Bureau and Tribunal Issue Notices on the Impact of COVID-19 on Merger Review, Enforcement and Adjudication Processes](#) and [Canadian Competition Law Compliance: Q&A for Responding to COVID-19](#).