

January 14, 2021

Mark Katz Talks to *Global Competition Review* About Bureau's Decision to Drop Criminal Cartel Probe

Following the Bureau's recent move to drop its criminal cartel investigation against Postmedia and Torstar, Davies partner [Mark Katz](#) spoke to *Global Competition Review* about the decision.

In the [article](#) (available to subscribers), Mark said it's positive that the Bureau has decided not to pursue a case "where the evidence of criminal conduct seems to have been marginal at best"; however, he queried whether it should have taken the Bureau as long as it did to reach this conclusion.

"Parties should not have to face this type of uncertainty for such an extended period of time," he said. "It would be better for all concerned if the Bureau moved with greater alacrity in deciding whether or not to refer a matter for prosecution."

Mark noted that proposed revisions to the Bureau's competitor collaboration guidelines indicated that the agency may investigate a merger under the criminal conspiracy offence if the parties are competitors and enter into an agreement that "goes beyond the acquisition, amalgamation or combination agreement."

It remains to be seen whether the Bureau will retain this statement in the final guidelines or whether it will be deleted or otherwise modified in light of the Bureau's decision, he said.