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Comments on Competition Bureau's Consultation on its Merger Enforcement Guidelines

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Davies recently submitted comments in response to consultations initiated by the Canadian Competition Bureau's November 7, 2024 [Discussion Paper](#) on the Bureau's review of its Merger Enforcement Guidelines (MEGs) to better reflect recent changes to the *Competition Act* as well as the Bureau's current practices.

The comment letter, prepared by [John Bodrug](#) and [Anita Banicevic](#), commends the Bureau for its initiative to update the MEGs and seek public comments on potential revisions, particularly revisions to address changes in the Bureau's practice arising from recent extensive amendments to the *Competition Act*. (See our notes on these amendments [here](#) and [here](#).) Among other things, Davies' comments encourage the Bureau to:

1. provide guidance on what influences the Competition Bureau to clear, not just to challenge, a merger;
2. clarify the significance of a merger exceeding the new concentration and market share threshold that can give rise to presumed anti-competitive effects, and address the types of evidence that may overcome such a presumption;
3. recognize that market definition and determination of market shares should reflect commercial reality and take into account all factors (including supply side responses) that are relevant to identifying the possibility of exercising market power;
4. recognize that efficiencies remain a relevant factor in merger reviews; and
5. clarify the Bureau's views on how it expects to analyze a merger's impact on labour markets.

[Download the comments.](#)

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