



April 2, 2004

The Honourable Senator Richard H. Kroft, Chair  
Senate Committee on Banking, Trade and Commerce  
The Senate  
Ottawa, ON K1A 0A4

Dear Senator Kroft:

**Subject: Bill C-249 Competition Act Amendment on Efficiency Gains**

I am writing on behalf of the National Competition Law Section of the Canadian Bar Association (the CBA Section), with regard to Bill C-249.

On April 1, 2004, Bill C-249 received second reading in the Senate and was referred to your Committee for review. In November 2003, we made submissions to your Committee on Bill C-249. We argued that efficiencies are very important if not the most important consideration in competition law analysis, not only in relation to mergers but also in the context of other provisions of the Act. The amendments proposed in Bill C-249 had not had the benefit of sufficient public consultation. Any amendments to section 96 of the *Competition Act* should be deferred and form part of the comprehensive public consultations on significant proposed *Competition Act* reforms currently being undertaken by the Public Policy Forum.

The CBA Section believes that Bill C-249 in its current form raises significant issues and may very well not be in the public interest. We request an opportunity to explain our concerns in greater detail.

Thank you for your consideration.

Yours truly,

*(original signed by Trevor M. Rajah for Susan S. Boughs)*

Susan S. Boughs, Chair  
National Competition Law Section

cc: Ms. Sheridan Scott, Commissioner of Competition

**500 - 865 Carling, Ottawa, ONTARIO Canada K1S 5S8**

**Tel/Tél. : (613) 237-2925 Toll free/Sans frais : 1-800-267-8860 Fax/Télécop. : (613) 237-0185**

**Home Page/Page d'accueil : [www.cba.org](http://www.cba.org) E-Mail/Courriel : [info@cba.org](mailto:info@cba.org)**