

## **ANNEX I:        Antitrust Exemptions**

In contrasting competition policy regimes across countries, not only are the differences in legal treatment of various activities striking, but equally riveting are the practices that national competition policies have authorized to remain beyond the reach of competition laws. The carveouts (or exemptions) provided can be a source of concern and may lead to frictions between trading partners. In this annex, we briefly list examples of some activities that are exempted from competition laws in Canada, the U.S. and Japan. Exemptions are relatively limited in Canada. Not so in the U.S. and Japan.

### **A1.    Canada**

In Canada, there are two main types of exemptions and one type of defence for certain activities.

First, there are activities that are exempt from the *Competition Act* itself. Two such categories are identified in section 4 and are as follows:

#### **(i)    *Collective Bargaining Activities***

- (a)    Combinations or activities of workmen or employees for their own reasonable protection as such workmen or employees.
- (b)    Contracts, agreements or arrangements between or among fishermen or associations of fishermen and persons or associations of persons engaged in the buying or processing of fish relating to the prices, remuneration or other like conditions under which fish will be caught and supplied to those persons by fishermen.
- (c)    Contracts, agreements or arrangements between or among two or more employers in a trade, industry or profession, whether effected directly between or among the employers or through the instrumentality of a corporation or association of which the employers are members, pertaining to collective bargaining with their employees in respect of salary or wages and terms or conditions of employment.

#### **(ii)   *Amateur Sport***

- (a)    Agreements or arrangements between or among teams, clubs and leagues pertaining to participation in amateur sport.