

TABLE 2
CANADA

Stature	General Motivation	Merger Definition	Merger Test	Defences, Exemptions	Decision-Making Body	Enforcement
The Competition Act	<ul style="list-style-type: none"> •competition 	<ul style="list-style-type: none"> •the direct or indirect acquisition or establishment by one or more persons of control over, or of a significant interest in, the business of a competitor, customer or other person •covers "indirect" acquisitions outside Canada 	<ul style="list-style-type: none"> •whether merger prevents or lessens, or is likely to prevent or lessen, competition substantially in a relevant geographic and product market <p><u>Factors Considered</u></p> <ul style="list-style-type: none"> (a) foreign competition (b) failing firm (c) substitutes (d) barriers to entry (e) effective remaining competition (f) removal of vigorous, effective competitor (g) change and innovation <ul style="list-style-type: none"> •no <i>prima facie</i> conclusions re. competitive effect based on market share calculations 	<p><u>Defences</u></p> <ul style="list-style-type: none"> •efficiency •regulated industry (from case law) <p><u>Exemptions</u></p> <ul style="list-style-type: none"> •banks •joint ventures •general/peripheral exclusions under ss.4 and 6(e.g. fishing industry) 	<ul style="list-style-type: none"> •Competition Tribunal (hybrid: composed of judicial and lay members) 	<p><u>Administration</u></p> <ul style="list-style-type: none"> •Bureau of Competition Policy (exclusive enforcement agency)