

COVID-19 Competition Updates – Canada



New Merger Filings Accepted?	Waiting Period Delays?	Other Merger Review Considerations	Filings / Communications with the Bureau	Filings / Communications with the Tribunal	Competitor Collaborations	Price Gouging	Misleading Advertising
<p>Yes</p>	<p>No, however the Bureau has acknowledged that it may have difficulties meeting published service standards.</p> <p>Parties engaged in complex mergers are encouraged to contact case teams and management in the Merger Directorate as soon as possible.</p> <p>If service standards cannot be met, the Bureau will make efforts to communicate realistic timelines to the parties.</p>	<p>Urgent competition-related issues may be prioritized over ongoing enforcement matters crisis (including collusion by competing businesses, such as illegal agreements about what price to charge for products or services, and deceptive marketing practices, such as false or misleading claims about a product's ability to prevent, treat or cure the virus).</p>	<p>The Bureau is replacing hard copy letters with an e-mail from the signatory.</p> <p>Telephone services offered by the Bureau will be unavailable until further notice (Information Centre, Whistle-blowing Initiative, Tip Line, Merger Intelligence and Notification Unit, and Media Relations line).</p>	<p>The Tribunal released an updated notice on April 15, 2020 indicating that it remains in operation, but its premises are closed until at least May 15, 2020.</p> <p>New filings are still accepted. However, all filings submitted during this period must be through the electronic filing system.</p> <p>In-person hearings are temporarily suspended but the Tribunal will hear “urgent” matters (to be decided on a case by case basis) by teleconference.</p> <p>The running of all timelines in the <i>Competition Tribunal Rules</i> which establish periods of time within which a step must be taken in a Tribunal proceeding is suspended, unless the matter is urgent or the parties agree to the matter advancing during this period.</p> <p>With respect to hearings and other procedural steps scheduled to take place during this period in accordance with a Tribunal Order or Direction issued before March 18, 2020, the Tribunal will reach out to counsel and the parties and will set up, if and as needed, a case management conference to determine next steps.</p>	<p>The Competition Bureau (Bureau) released a statement on April 8, 2020 recognizing that competitor collaborations of “limited duration and scope” may be required to ensure the supply of products and services “that are critical to Canadians” during these exceptional times. The Bureau signalled that it will “generally refrain” from scrutinizing temporary business collaborations undertaken for those purposes that are “executed in good faith and do not go further than what is needed”.</p> <p>For firms wishing to obtain greater certainty, the Bureau has created a team to assess the proposed collaborations on the basis of information outlined in the Bureau’s statement and provide informal guidance to facilitate rapid decisions to enable businesses to support the crisis response efforts.</p>	<p>Several provinces have declared states of emergency giving the government the power to control the price of essential services.</p> <p>On March 28, 2020, the Ontario Government has issued an emergency order that retail businesses and individuals in Ontario cannot charge unfair prices for “necessary goods” including: (i) masks and gloves; (ii) non-prescription medications for treating coronavirus symptoms; (iii) disinfecting agents, and (iv) personal hygiene products.</p>	<p>Health Canada is coordinating with other government departments such as the Competition Bureau to address the issue of false and misleading claim related to COVID-19.</p>