

Canada's Minister of Innovation, Science and Industry launches public consultations for comprehensive Competition Act review

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On November 17, 2022, François-Philippe Champagne, Canada's Minister of Innovation, Science and Industry (the Minister), formally announced the launch of a comprehensive review of the *Competition Act* (the Act). This builds on the Minister's [February announcement](#) that the federal government intended to undertake such a review and follows the [June amendments](#) [PDF] to the Act, which were described as a preliminary phase in [modernizing](#) Canada's competition law [regime](#).

Reform objectives

The scope of what is on the table for reform as described in [the government's consultation paper](#) is very broad, leaving virtually nothing out of consideration. The reform process will consider such broad topics as the objectives of competition policy; an expansion of the rights and powers of the Commissioner; new or amended tests and thresholds to expand on the scope of what is subject to review, including on a mandatory basis; and an expansion of private enforcement including in the ability to seek damages.

While reform is not confined to specific industry sectors, the improvement or reinforcement of competition policy in increasingly digital and data-driven markets is clearly a key objective of the reform process. We also expect that the recommendations for reform published by the Competition Bureau in February, titled "[Examining the Canadian Competition Act in the Digital Era](#)", will feature prominently in this consultation process. The Bureau's recommendations, which are explicitly on the table for consideration in the consultation process, include eliminating the efficiencies exception for mergers and increasing scrutiny of mergers resulting in market concentration.

Next steps

To kickstart the reform process, the Minister is inviting Canadians to make written submissions by February 27, 2023, via an online portal. A series of roundtables will also be held with a variety of stakeholders to ensure diverse views are heard.

Aside from the deadline for written submissions from the public, the timeline for completion of the review and any possible action towards legislative reform remains uncertain.