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Fulfilling the Promise: Proposals for a More Efficient Merger Review Process in Canada

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Competition Bureau resources are being wasted on the analysis of non-problematic mergers and the review of more complex transactions is taking too long. Both developments suggest that legislative amendments are required to better focus the expenditure of public resources and avoid discouraging investments and growth.

Substantial amendments to the Canadian Competition Act in 2009 included an overhaul of the merger review process. The amendments significantly lengthened the potential waiting periods during which parties cannot close a proposed transaction and expanded the scope of information that the Bureau can compel from merging parties without seeking a court order. In this and other respects, discretionary decisions of the Bureau can impose significant costs and delays on Canadian businesses.

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