



firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan’s commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at www.mcmillan.ca.

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cartels

overview

Canada boasts some of the world's toughest anti-cartel laws, which prohibit companies in the same industry from agreeing to keep prices artificially high. This includes bid-rigging, in which two or more organizations agree to work together—without informing the bid requester—to reduce or eliminate the competitive nature of a bid process.

In 2010, the federal government introduced a new category of per se criminal antitrust offences. The new law does not require proof of any adverse economic impact and penalties have increased to a maximum prison term of 14 years and/or \$25 million in fines. This increased government vigilance has magnified the consequences for companies targeted by the Canadian Competition Bureau, the country's competition law enforcer.

In addition to the criminal proceedings, companies may also be susceptible to class action proceedings brought by consumers. Both criminal and civil cases often have a cross-border component and are enforced by multiple competition authorities working together.

McMillan's Competition and Antitrust Group has represented firms with respect to many of the most significant cartels in recent Canadian history and includes some of Canada's most experienced counsel to assist companies facing potential cartel-related prosecution. From a preventative standpoint, we help clients remain in compliance with the law. If a client is the subject of an investigation or prosecution, we help assess all options including seeking immunity or leniency under the relevant Competition Bureau programs, or defending against criminal and/or civil proceedings. Whatever path is chosen, our goal is to protect the interests of our clients.

McMillan professionals help clients lead by:

- Assisting with internal investigations including complying with search warrants and responding to information production requirements
- Negotiating immunity or leniency in Competition Bureau investigations or criminal prosecutions
- Defending against criminal proceedings and/or class action lawsuits
- Recommending compliance and governance policies
- Advising on the development of anti-cartel compliance programs

representative transactions

- Acted for numerous defendants in various Auto Parts matters



cartels

- Acted for a defendant in the LCD and CRT matters
- Represented respondents in the Ontario and Quebec Retail Gasoline matters
- Acted for a participant in the Marine Hoses matter
- Acted for a defendant in the Air Cargo matter
- Acted for a defendant in the Vitamins criminal investigation/prosecution and follow-on class actions
- Acted for a defendant in the DRAM criminal investigation/prosecution and follow-on class actions
- Acted for a defendant in the Auction Houses criminal investigation and class action
- Acted for a defendant in the Graphite Electrodes investigation/prosecution and follow-on multi-plaintiff actions
- Acted for a defendant in the Choline Chloride investigation/prosecution and follow-on class action
- Acted for a defendant in the Copper Market, Maltol, Travel Agent Commissions, Linerboard and Polyester Fiber class actions