

CANADIAN COMPETITION RECORD

TABLE OF CONTENTS

The First Section

One Step Forward, Two Steps Back - <i>Superior Propane</i> , Bill C-249 and the Future of Efficiencies in Canadian Merger Review, <i>R. Jay Holsten</i>	1
Canadian Merger Policy Following <i>Superior Propane</i> , <i>Thomas W. Ross</i> and <i>Ralph A. Winter</i>	7

Canadian Competition Law and Policy Developments

Commissioner Wins Phase I of Air Canada Abuse Case, <i>staff</i>	24
<i>Chadha v. Bayer Inc.</i> : The Final Verdict, <i>Chris Hersh</i>	24
Introduction to Section 45 Amendments Task Force Report, <i>John F. Clifford</i>	26
Canadian Bar Association Competition Law Section - Section 45 Amendments Task Force Report	27
Competition Bureau Releases Information Bulletin on the Regulated Conduct Defence, <i>Barry Zalmanowitz, Q.C.</i>	39
The Competition Bureau's Information Bulletin on the Regulated Conduct Defence: Observations from the <i>Astral/Telemidia</i> Case, <i>D. Jeffrey Brown</i>	43
The Regulated Conduct Defence: Time for Legislative Action? <i>Tim Kennish</i> and <i>Janet Bolton</i>	52
Information Notices and News Releases Issued by the Competition Bureau During the Period January 1, 2003 to August 31, 2003	72

Foreign and International Competition Law and Policy Developments

Australian Newsletter, <i>Hank R. Spier, Robert Baxt</i> and <i>Susannah Downie</i>	75
EC Competition Law Developments, <i>Juan A. Rodriguez</i>	79
U.S. Antitrust Law Developments, <i>Margaret E. Guerin-Calvert</i>	82

Regulatory and Trade Developments

The CRTC-Competition Bureau Interface: An Alternative to Blakney & Bushell, <i>Peter G.C. Townley</i>	88
The CRTC Adopts New Rules to Encourage Telecommunications Competition in Multi-Dwelling Units, <i>John F. Blakney</i>	96

Comment and Analysis

Joint Dominance, <i>John D. Bodrug</i>	104
Big Bank Mergers under the <i>Competition Act</i> : Taking Stock of Where We Are, <i>Brian A. Facey</i> and <i>Eric Reither</i>	117
Experiments in Notification: Lessons from the European Union, <i>Sandy Walker</i>	127

CANADIAN COMPETITION RECORD

1 First Canadian Place
100 King Street West
Toronto, Ontario, Canada
M5X 1B2

Phone: (416) 863-4511 Fax: (416) 863-4592

Published by Fraser Milner Casgrain Legal Publications Inc.

SENIOR EDITOR
RANDAL T. HUGHES
B.Comm., LL.B.

EDITOR
JENNIFER S. TRENT
B.A. (Hons.), LL.B.

COMPTROLLER
CATHY BYRNES

PRODUCTION ASSISTANTS
RUTH LIDWILL
BARBARA FOX

Publications Mail Registration Number 1684337
Return Postage Guaranteed

The *Canadian Competition Record* is published two to four times a year in Volumes consisting of four issues. It is intended to provide readers with information regarding competition developments and related developments in the areas of regulatory and trade policy and law. Readers are cautioned that the publisher and the editors are not, through this publication, engaged in giving legal or other professional advice. If legal advice or other professional services are required, the assistance of a qualified professional should be obtained.

Readers are invited to submit concise pieces for publication as well as to alert the editors to matters of interest such as conferences, papers, speeches, and submissions. Views expressed by contributors are not necessarily those of the editors or the publisher.

Printed by Performance Printing Limited, Smiths Falls, Ontario

ISSN 1195-8081

© Fraser Milner Casgrain Legal Publications Inc. 2003