CBA Competition Law Fall Conference

October 15-16, 2026 | Ottawa, ON

Conférence d'automne de l'ABC sur le droit de la concurrence

15-16 octobre 2026 | Ottawa (Ontario)



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OCTOBER 15-16, 2026 | Fairmont Chateau Laurier (Ottawa, ON)

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AGENDA

WEDNESDAY, OCTOBER 14, 2026

20:00 – 22:00 **LATE NIGHT WITH COUNTERFACTUAL – PODCAST RECORDING**
Location: Blake, Cassels & Graydon LLP
340 Albert Street
Suite 1950, Constitution Square, Tower 3
Ottawa, Ontario, K1R 7Y6
Canada

Podcast Guest:
Fen Hampson, Carleton University

THURSDAY, OCTOBER 15, 2026

8:00 – 9:00 **REGISTRATION**
Room: Adam Foyer (Main Level)

8:00 – 9:00 **BREAKFAST**
Room: French Corridor (Main Level)

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9:00 – 09:15 **OPENING REMARKS**
Room: Ballroom (Main Level)

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Join us as we officially welcome everyone to the event and set the stage for the day ahead. During the opening remarks, the conference co-chairs will introduce the event's purpose and objectives and share important announcements. This will highlight what to expect throughout the day and inspire an engaging and meaningful experience for all attendees.

Speakers:
Shuli Rodal, Partner, Osler, Hoskin & Harcourt LLP
Kate McNeece, Goodmans LLP

9:15 – 10:30 **OPENING PLENARY**

SESSION 1: COMPETITION POLICY FOR A RESILIENT CANADA
Room: Ballroom (Main Level)

Canada's competition law framework is undergoing its most significant transformation in a generation at a time of strategic and economic challenges and rapid technological change. With sweeping amendments to the Competition Act, an empowered Competition Bureau, and the Competition Tribunal adjudicating novel issues and shaping a new private access regime, the stakes for Canadian businesses, consumers, and communities have never been higher.
The opening plenary will set the stage for the conference by examining what role competition policy should play in building a resilient Canadian economy and addressing key challenges and objectives such as affordability, competitiveness, innovation, and economic sovereignty. The panel will focus on the evolving purpose and ambition of Canadian competition law and whether the recent legislative reforms and Canada's enforcement architecture — the Bureau, the Tribunal, and private rights of action — are equipped to address the competitive dynamics reshaping our markets.

Moderator:
Neil Campbell, Partner, McMillan LLP

Speakers:
Anita Banicevic, Partner, Davies Ward Phillips & Vineberg LLP
Liam MacDonald, Director, Policy and Government Relations, Chamber of Commerce
Martha Hall Findlay, Director, University of Calgary School of Public Policy
Samir Chhabra, Director General, Marketplace Framework Policy Branch, Innovation, Science & Economic Development (ISED)

10:30 – 11:00 **REFRESHMENT AND NETWORKING BREAK**
Room: French Corridor (Main Level)

11:00 – 12:15 **CONCURRENT SESSIONS**

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SESSION 2A: SSNIP HAPPENS: MARKET DEFINITION UNDER THE NEW STATUTORY REGIME
Room: Ballroom (Main Level)

This panel will examine the contemporary role and practical use of market definition in merger reviews under the revised section 92. While market definition always has played an important role in guiding analytical frameworks and evidentiary assessments in Canadian merger review, the structural presumption based on market shares and concentration levels necessarily requires a greater focus on the appropriate product and geographic markets.

Panellists will explore the current approach of merging parties, the Bureau and the Tribunal to market definition and explore key emerging issues from other jurisdictions, including practical approaches to market definition; an assessment of the Tribunal's prior jurisprudence and where it is likely to change; evolving evidentiary standards and economic tools in Canada and elsewhere; and how market definition must be adjusted in new and developing market structures, including potential competition, dynamic competition and two-sided markets. This panel will provide practical and strategic insights for seasoned competition lawyers and 'new entrants' to competition law alike.

Moderator:
Kyle Donnelly

Speakers:
Ariane Janos-Denis, Associate Deputy Commissioner of Competition, Competition Bureau
David Toniatti, Analysis Group, Inc.
Julia Potter, Partner, Blake, Cassels & Graydon LLP

SESSION 2B: ARE THE FLOODGATES NOW OPEN?: RECENT DEVELOPMENTS IN COMPETITION LITIGATION
Room: Adam Room (Main Level)

This panel will explore recent developments in private actions under the Competition Act and consider whether the long-anticipated "floodgates" moment for private enforcement in Canada is finally arriving – or whether structural, procedural and remedial constraints continue to restrict private rights of action. From the latest in the assessment of the public interest leave test to questions that remain about remedies in Part VIII litigation before the Competition Tribunal, to developments in class actions in Canada and elsewhere, the discussion will also address whether recent case law and policy shifts have meaningfully lowered the barriers to private enforcement, or whether additional legislative or procedural changes would be required before private actions can play a more central role in Canadian competition law alongside public enforcement by the Commissioner.

Moderator:
Danielle Royal, Partner, Stikeman Elliott LLP

Speakers:
Don Houston, Orr Taylor LLP
Emrys Davis, Bennett Jones LLP
Laura Whyatt, Partner, Dentons (UK)
Louis Sokolov, Sotos

12:15 – 13:00 **LUNCHEON AND AWARD PRESENTATION**
PRESENTATION OF THE JAMES H. BOCKING MEMORIAL AWARD
Room: Ballroom (Main Level)

Enjoy a delicious lunch generously sponsored by Analysis Group Inc. while we take time to recognize and celebrate outstanding achievements.

The James H. Bocking Memorial Award was established by the CBA Competition Law and Foreign Investment Review Section (the "Section") in memory of the late James H. Bocking (1947-1999), former Assistant Deputy Director of Investigation and Research at the Competition Bureau, to recognize his contribution to Canadian competition law and policy during many years as an official of the Bureau. The award is presented annually for the best scholarly paper submitted to the Section on a subject directly relating to Canadian competition law or policy.

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13:00 – 13:45 **COMMISSIONER'S KEYNOTE ADDRESS**
Room: Ballroom (Main Level)

Speaker:
Jeanne Pratt, Acting Commissioner of Competition, Competition Bureau

13:45 – 15:15 **BREAKOUT SESSIONS**

SESSION 3A: UPDATED CARTEL ENFORCEMENT GUIDELINES
Room: Ballroom (Main Level)

The 2023-2025 amendments to the Competition Act introduced meaningful changes to the criminal aspects of the Competition Act, including introducing labour market cartels as a new criminal practice. At the same time, the Bureau

has been grappling, both through investigations and policy statements, with how novel technologies and business practices, such as algorithmic pricing, map on to the existing criminal provisions of the Act. Absent judicial consideration of these issues, the new draft Cartel Enforcement Guidelines are likely to be determinative of how businesses organize compliance programs and advisors opine on business practices. With the Guidelines as a starting point, this panel will review the key aspects of the new draft; highlight hot topics such as expanded bid-rigging guidance, facilitating practices, labor-side cartel enforcement and the application of Canadian competition law to foreign conduct; survey recent developments in criminal matters in other jurisdictions and consider how they may impact Canadian enforcement; and preview likely enforcement trends in Canada.

Moderator:
Pierre Gemson, Partner, Borden Ladner Gervais LLP

Speakers:
Huy Do, Partner, Fasken
Kevin Wright, Partner, DLA Piper
Nana Wilberforce, Partner, WilmerHale
Pierre-Yves Guay, Deputy Commissioner, Competition Bureau

SESSION 3B: PERSONALIZED PRICING – PREDATION, PRICE DISCRIMINATION AND OTHER PERILS
Room: Adam Room (Main Level)

Advances in data analytics and artificial intelligence have given firms an unprecedented ability to tailor prices to individual consumers — charging each buyer what algorithms predict they are willing to pay. But what does Canadian competition law have to say about it?

Canada's conduct and deceptive marketing provisions were drafted for an era in which companies could not leverage their internal data to accurately predict individual demand. Can they adequately address algorithmic strategies that segment consumers with surgical precision? Dynamic pricing allows for certain efficiencies, but when does it cross the line into predatory or exclusionary conduct? How can deceptive marketing provisions relating to price claims be enforced when "ordinary price" becomes fluid?

If personalized pricing undermines consumer trust or entrenches the dominance of data-rich incumbents — including foreign digital platforms — it can erode the competitive markets on which Canadian prosperity and resilience depend; however, overly rigid intervention risks chilling innovation and efficiency gains that could benefit consumers. Getting the balance right is essential, and Canada can learn from ongoing enforcement and regulatory efforts in other jurisdictions while charting its own course. This panel will explore the doctrinal challenges, the economic evidence, and the practical enforcement realities of personalized pricing in Canada today.

Moderator:
Erin Brown, Partner, NRF

Speakers:
Arlan Gates, Partner, Baker McKenzie
Brendan Ross, Major Case Director, Competition Bureau
Daniel Jensen, Major Case Director, Competition Bureau
Justin Johnson, Professor of Economics, Econic Partners / Cornell University
Kelly Fayne, Partner, Latham & Watkins LLP

15:15 – 15:45 **REFRESHMENT AND NETWORKING BREAK**
Room: French Corridor (Main Level)

15:45 – 17:00 **AFTERNOON PLENARY**

SESSION 4: NET BENEFIT: IS THE ICA FIT FOR PURPOSE?
Room: Ballroom (Main Level)

The global landscape and Canada's place in it is being fundamentally reshaped by geopolitical developments and rapidly evolving technological, economic, environmental forces. In this context, striking the right balance between encouraging foreign investment while protecting Canada's security and economic interests has never been more important. This panel examines the ICA's architecture, and the ministerial policies that guide its application, in the current climate. Recent net benefit and national security reviews – when considered alongside political outreach to new trading partners – raise important questions about how Canada balances openness to foreign capital with protecting strategic industries, and national interests. How should the net benefit test evolve? Are the recently enhanced national security provisions, including the new mandatory pre-closing filing regime, appropriately calibrated to deter threats without chilling beneficial investment? Panelists will explore current issues and developments, the underlying policy considerations, the practical implications for deal-making, and what Canada's approach signals to international partners and investors.

Moderator:
David Dueck, Partner, Osler, Hoskin & Harcourt LLP

Speakers:
Dr. Stephanie Carvin, Associate Professor, Carleton University
Jamieson McKay, Director General, FIRES | Innovation, Science and Economic Development Canada
John Knubley, FGS Longview
Michael Laskey, Stikeman Elliott LLP

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17:00 – 18:30 **NETWORKING RECEPTION**
Room: Laurier Room (Main Level)

Reception available to all registered attendees.

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18:30 – 21:45 **DINNER AT THE OTTAWA ART GALLERY**
Location: Ottawa Art Gallery

Speaker:
Mark Schaan, Associate Deputy Minister, ISED

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22:00 – 00:00 **YOUNG LAWYER EVENT**
Location: The Clarendon (Off-Site Location)

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FRIDAY, OCTOBER 16, 2026

8:00 – 9:00 **BREAKFAST**
Room: French Corridor (Main Level)

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9:00 – 10:15 **BREAKOUT SESSIONS**

SESSION 5A: ADMINISTRATIVE MONETARY PENALTIES (AMPS) UNDER THE COMPETITION ACT: HOW MUCH IS TOO MUCH?
Room: Ballroom (Main Level)

Recent amendments to the Competition Act have dramatically increased the potential size of administrative monetary penalties (AMPs) for deceptive marketing and abuse of dominance, creating significant uncertainty for businesses and practitioners. That uncertainty is beginning to give way to an emerging body of jurisprudence, with important developments coming from the Federal Court of Appeal in Cineplex; the Tribunal ruling in Google; and AMP focused submissions from both the Commissioner and respondents in Rogers, with Tribunal hearings on Wonderland and DoorDash on the horizon later in 2026. This panel brings together leading scholars to assess the first wave of AMP decisions and arguments, identify emerging principles, and discuss their implications for enforcement, litigation strategy, and compliance in Canada's evolving competition law landscape.

Moderator:
Lisa Stockley, Principal, Charles River Associates

Speakers:
Keith Hylton, Warren Professor, Boston University School of Law
Kenneth Jull, Partner, Gardiner Roberts LLP

SESSION 5B: RESPONDING TO SIRS AND SECTION 11 ORDERS – E-DISCOVERY, SCOPE AND NEW TECHNOLOGIES
Room: Adam Room (Main Level)

The explosion of business data in the age of enterprise software and AI has created new challenges for businesses facing detailed information requests under the Commissioner's subpoena power – challenges that are on a collision course with an enforcement agenda that may require the Bureau to use that power with more frequency, and with constitutional challenges in competition and other regulatory arenas that seek to limit government power to compel production of information. These same dynamics are catalyzing the development of e-discovery tools that harness new technologies to pinpoint responsive documents, but which may not yet have the confidence of regulators. This panel will review the current state of play for e-discovery issues, including the status of legal challenges to the scope of section 11s and other regulatory production orders; best practices and lessons learned from approaches in other jurisdictions; and policy considerations

informing the balance between robust competition enforcement and imposing unnecessary costs on businesses. Throughout the discussion, the panel will also provide practical advice with respect to negotiating and responding to SIRs and section 11s in the big data era.

Moderator:
Erin Keogh, McCarthy Tetrault LLP

Speakers:
Derek Leschinsky, General Counsel, Justice Canada
Graeme Hamilton, Partner, Borden Ladner Gervais LLP
Gregory Sullivan, Partner, Deloitte LLP
Rebecca Wagner, Torys LLP

10:15 – 10:45 **REFRESHMENT AND NETWORKING BREAK**
Room: French Corridor (Main Level)

10:45 – 12:00 **CLOSING PLENARY**

SESSION 6: CONSTRUCTING A STRONGER CANADA: COMPETITION AND FOREIGN INVESTMENT ISSUES IN INFRASTRUCTURE
Room: Ballroom (Main Level)

Canada is embarking on a generational infrastructure build. From transit and broadband to energy transmission and critical minerals processing, governments at every level are committing unprecedented public funds — and seeking unprecedented private investment — to modernize the physical and digital backbone of the Canadian economy. But who gets to build, own, and operate this infrastructure, and on what terms?

Infrastructure is, by its nature, long-lived and strategically significant; the policy approaches that allow competitive and ownership structures to lock in today may shape Canada's resilience for decades. This panel examines how the Competition Act and the Investment Canada Act intersect with infrastructure development, including:

- How does the Competition Bureau assess mergers among infrastructure operators or service providers in already-concentrated markets, and do efficiencies still play a role? When will vertical or conglomerate links in other industries raise competition concerns?

- How should the Canadian policy framework balance alternative investment structures – such as the separation of infrastructure ownership from service providers – with national security concerns? When is foreign investment in ports, telecommunications networks, or

energy assets likely to be considered injurious to Canada's national security - and is the risk landscape likely to change in the near future?

- What role do bid-rigging enforcement and abuse of dominance provisions play in keeping procurement processes competitive and costs manageable for Canadian taxpayers, and how can the Competition Bureau work with other federal and provincial agencies to prevent corruption and collusion offences?

Moderator:
Alysha Manji-Knight, Partner, Cassels Brock & Blackwell LLP

Speakers:
David Rosner, Partner, Goodmans
Trevor MacKay, Acting Senior Deputy Commissioner, Competition Bureau
Heather Tory, FGS Longview

12:00 – 14:30 **WOMEN IN COMPETITION LAW LUNCH**
Room: Ballroom (Main Level)

Speaker:
Martha Hall Findlay, Director, University of Calgary School of Public Policy

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