



## Dr. A. Neil Campbell

Co-Chair, Competition and Trade  
Toronto

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### education and year of call

- Called to the Ontario bar - 1991
- University of Toronto, SJD (competition and trade law) (Governor General's Medal; study of Canada's merger review system won the Alan Marks Medal for best graduate thesis) - 1993
- Osgoode Hall Law School, LLB (gold medalist and Governor General's Medal) - 1989
- York University (Schulich School of Business), MBA (Accounting and Public Administration) (gold medalist) - 1989
- Certified Management Accountant (national gold medalist) - 1988
- University of Western Ontario (Ivey Business School), HBA (gold medalist) - 1982

### practice areas

cartels  
mergers  
foreign investment review  
unilateral conduct and distribution practices  
competition and antitrust  
international trade  
international economic and trade sanctions  
anti-corruption and fraud  
white collar defence and government investigations

### industries

automotive  
energy  
food, beverage and agribusiness  
electricity and utilities

### profile

- Co-Chair of the Competition and International Trade Law Groups and partner in the Energy Law Group. Member of the firm's Board of Partners, 2001–2007 and 2017–present.
- Competition law experience — over 300 merger clearances under the *Competition Act* and/or the *Investment Canada Act*; over 25 major cartel cases and/or related class actions; multiple abuse of dominance and other unilateral conduct investigations and proceedings; and advising on marketing, distribution, grey marketing, joint venture and compliance issues.
- Trade law experience — anti-dumping and subsidy proceedings; NAFTA / USCMA, WTO and other, Canada Free Trade Agreement and government procurement matters; export/import controls; economic sanctions including Cuba and other issues under the *Foreign Extraterritorial Measures Act*; foreign corrupt practices (the *Corruption of Foreign Public Officials Act*); and investor-state disputes under NAFTA and bilateral investment treaties.
- Energy law experience — electricity market issues including in relation to generation, loads, renewables / conservation, procurement contracts, imports / exports and regulatory matters; as well as competition and foreign investment issues in the oil and gas sector.
- Counsel to PLDS defendants in the *Godfrey v. Sony Corp.*,

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life sciences  
media, communications and  
entertainment  
transportation

alleged price-fixing class action, Supreme Court of Canada decision pending.

- Represented clients in matters before the Federal, Ontario and British Columbia courts as well as the Competition Tribunal, Canadian International Trade Tribunal and numerous regulatory / enforcement agencies.
- Leader of McMillan's Search Response Services team.
- Public policy experience — submissions to Canadian parliamentary committees and government agencies as counsel to the Competition Policy Group; co-founder and principal author of over 35 Merger Streamlining Group submissions to governmental authorities in respect of compliance with the ICN Recommended Practices for Merger Notification and Review Procedures; co-author or coordinator for multiple CBA Competition Section, ABA Antitrust Section and IBA Antitrust Committee submissions to government authorities.
- Appointed to the Roster of NAFTA Chapter 19 (Trade Remedies) Panelists in 2018
- Regulated industries — extensive experience in financial services, energy, pharmaceuticals, broadcast / telecom and transportation.

## directorships and professional associations

- American Bar Association – Section of Antitrust Law – member of Competition Law Standards Task Force
- Canadian Bar Association – Competition Law Section – Chair of 2019 Annual Conference; former Chair of the Foreign Investment Review Committee and the International Committee; member of the *Canadian Competition Law Review* editorial board (2016–2018)
- International Bar Association – Antitrust Committee former Co-Chair (2010–2011); Co-chair of its Merger Working Group
- *Canadian Competition Law Review* – Chief Editor (2019–2020)
- Member of the CD Howe Institute's Competition Policy Council
- Member of the MLex antitrust editorial board
- Member of the editorial advisory board of the IBA's *Business Law International* journal
- Non-governmental advisor to the International Competition Network
- Global Coordinating Editor for *Cartel Regulation* (2014–present) (Lexology Getting the Deal Through)

## representative matters

- Numerous merger cases involving phase two investigations or negotiated remedies (including the *Novartis / Alcon*, *Coca-Cola Company / Coca-Cola Enterprises* and *Transcontinental / Quebecor* consent agreements)
- Various proceedings before the Competition Tribunal including *Ultramar / Coastal* (merger), *AIM / SNF* (merger injunction), *UCDA v. IBC* (refusal to supply and price maintenance), and *Paradise Pharmacy v. Novartis* (refusal to supply)
- High profile cartel and/or related class action proceedings including vitamins (BASF), rubber chemicals and related products (Crompton), air cargo (Air France and KLM), retail gasoline in Quebec (Olco), auto parts (Sumitomo Electric and Bosch), optical disc drives (Philips and Lite-On), chocolate confectionery (Hershey), car carriers ("K" Line) and foreign exchange (RBS)
- Counsel to parties in various dumping and subsidy proceedings before the CBSA and/or CITT including in the *Carbon Steel Plate (VII)*, *Copper Tubing*, *Grain Corn* and *Gypsum Wallboard* cases
- Reduced a C\$33 million levy of civil ascertained forfeiture penalties in an export controls case to C\$25,000 (*CBSA v. Leblanc and Lafrance*) and settled related criminal proceedings
- Settled a threatened prosecution of a chemical company for violations of export controls related to dual-use products without financial penalty
- Represented the auto sector (both industry associations and their members) in the *Ethyl* NAFTA, AIT and constitutional proceedings related to the MMT fuel additive
- Counsel to the Canadian Radio-Television and Telecommunications Commission (CRTC) on the foreign ownership reviews for the *Canwest / Alliance Atlantis* and proposed *BCE Privatization* transactions
- Counsel to the Commissioner of Competition on the review of *BHP Billiton / Potash Corporation of Saskatchewan*
- Member of the Competition Bureau's External Working Group on Reform of the Conspiracy Offence
- Member of the Regulatory Issues Advisory Group for the federal government's Payment Systems Task Force
- As Chair of the Ontario Energy Board (OEB) Market Surveillance Panel, conducted investigations involving alleged abuses of market power and gaming and issued 12 semi-annual reports on the operation of the wholesale

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electricity market

- Counsel to the Independent Electricity System Operator (IESO) on the development of its General Conduct Rule

## awards and rankings

- Recognized in the 2020 Canadian Legal Lexpert Directory as a Most Frequently Recommended lawyer in the area of Competition Law
- Recognized in the *2020 Lexpert Special Edition on Finance and M&A* as one of Canada's Leading Finance and M&A Lawyers
- Recognized by Chambers Global (2020) as a leading lawyer in the area of Competition / Antitrust
- Recognized in the *2019 Lexpert/ROB Litigation – Special Edition* as one of Canada's Leading Litigation Lawyers
- Recognized by *Chambers Canada (2020)* as a leading lawyer in the area of Competition / Antitrust Law
- *Best Lawyers in Canada 2020* (Competition / Antitrust Law and International Trade & Finance Law)
- Ranked as one of the "Global Elite" by *Who's Who Legal: Thought Lawyers (Competition) - 2019*
- *Chambers Global 2019 (Band 1)* and *Chambers Canada 2019 (Band 1)* as a leading lawyer in the area of Competition / Antitrust
- *Lexpert Guide to the Leading US/Canada Cross-Border Lawyers 2019*
- *Canadian Legal Lexpert Directory 2019* (Most Frequently Recommended – Competition Law)
- *Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada 2019* (Competition Law)
- *Lexpert Report on Business on Litigation 2018 – Special Edition*
- *Who's Who Legal Canada 2018* (Competition)
- *Best Lawyers in Canada 2019* (Competition / Antitrust Law and International Trade & Finance Law)
- *The International Who's Who of Competition Lawyers & Economists 2018*
- *Global Investigation Review's* 2017 survey of the investigations bar in Canada
- Named *Global Competition Review's* "Dealmaker of the Year" in 2016
- Ranked as the leading competition lawyer in Canada and one of the world's top 20 competition lawyers in the Who's

Who of *International Competition Lawyers* (2014)

- *Euromoney's International Expert Guides - The World's Finest Lawyers Chosen by Their Peers - International Trade Lawyers* - 2016
- Recognized by *Lexpert Report on Business Magazine, Energy Law Special Edition* leading energy lawyers 2014

## teaching engagements

- Guest Lecturer in Osgoode Hall Law School (York University) L.L.M. Competition Law & Policy course
- Taught at the University of Western Ontario (Ivey Business School), York University (Atkinson College), University of Toronto (Faculty of Law) and Osgoode Hall Law School (part-time LL.M. program)

## community involvement

- Volunteer and Fundraiser for The Healing Cycling Foundation – (personally raised over \$50,000 in annual cycling ride donations between 2008–2015 to support hospice palliative care)

## media mentions

- "Manitoba grain-storage elevator purchase will prevent future competition, CCB claims", *PaRR Global*, January 23, 2020
- "[Tribunal denies request to sue Québec bureau](#)", *Global Competition Review*, August 1, 2019
- "CCB's revised abuse of dominance guidelines raise new questions, lawyers say", *PaRR-Global*, May 2019
- "CCB's revised IP guidelines take balanced positions - analysis", *PaRR-Global*, May 2019
- "Bombardier snared in the U.S. trade fight as Boeing seeks Trump administrations support", *The Globe and Mail*, April 29, 2017
- "[CETA far from done, but good deal for Canada](#)", *The Business of Law - BNN*, October 28, 2016
- "[Chinese acquisition of Bombardier Inc Transportation would face significant opposition](#)" by Kristine Owram, *Financial Post*, April 29, 2015
- Frequently quoted on competition, foreign investment or trade law topics in legal media (including *Global Competition Review* and the *Antitrust and Trade Regulation Report*) as well as in general business media

## publications

**June 2020**

Implementing New NAFTA: Agreement on Everything Except the Name!  
International Trade Bulletin

**April 21, 2020**

Heightened Scrutiny of Foreign Investment in the Time of COVID  
Foreign Investment Bulletin

**April 2020**

2020 Canadian Merger Notification Threshold Updates  
Competition and Foreign Investment Bulletin

**February 2020**

Canadian Competition Act and Investment Canada Act

**February 2020**

Getting the Deal Through – Cartel Regulation 2020

**November 2019**

2020 Canadian Chapter of Getting the Deal Through - Cartel Regulation  
Lexology

**September 2019**

Gun Jumping in Merger Control: A Jurisdictional Guide  
Concurrences, Contributor (Chapter on Canada)

**September 2019**

Getting the Deal Through – Merger Control 2020

**July 2019**

2020 Canadian Chapter of Getting the Deal Through - Merger Control  
Lexology

**May 2019**

The Next Wave of US Extraterritorial Sanctions regarding Cuba – Potential Impacts for Canadian Companies  
International Trade Bulletin

**March 2019**

Getting the Deal Through (Canada Chapter) – Cartel Regulation 2019

**February 2019**

2019 Canadian Merger Notification Threshold Increases  
Competition and Foreign Investment Bulletin

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**January 2019**

Getting the Deal Through – Cartel Regulation 2019  
Contributing Editor

**December 2018**

Anti-Corruption 2019 Guide  
Chambers and Partners

**November 2018**

Getting the Deal Through (Canada Chapter) – Merger Control  
2019

**October 2018**

A Competition Law Analysis of Common Shareholdings  
CPI Antitrust Chronicle

**July 2018**

Surtax! What To Do Now  
International Trade Bulletin

**June 2018**

Canada's Use of its National Security Power  
Foreign Investment Bulletin

**May 2018**

Book Review of A Guide To Energy Market Manipulation  
The Energy Law Journal, Vol. 39, No.1

**March 2018**

Getting the Deal Through (Canada Chapter) – Cartel Regulation  
2018

**February 2018**

2018 Canadian Merger Notification Threshold Increases  
Competition and International Trade Bulletin

**January 2018**

The Comprehensive and Progressive  
TPP – Countering The Pressures for Protectionism  
International Trade Bulletin

**January 2018**

Proposed Changes to the Competition Bureau's Immunity  
Program Will Undermine Effective Cartel Enforcement in  
Canada - Comments of McMillan LLP on the Consultation Draft  
dated October 26, 2017

**January 2018**

Bringing the Home State Back In: The Case for Home State  
Control in Investor-State Dispute Settlement  
Business Law International, Vol. 19, No. 1

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**October 2017**

Foreign Corruption: Canada Makes "Facilitation Payments"  
Illegal  
Business Law Bulletin

**May 2017**

International Protection of Foreign Investment (Second Edition)  
- Canada Chapter  
Juris Legal Information

**March 2017**

2017 Canadian Merger Notification Threshold Increases  
Competition Bulletin

**February 2017**

Getting the Deal Through – Cartel Regulation 2017  
Global Coordinating Editor; Canada Chapter

**January 2017**

Government of Canada Provides Valuable Guidance on  
National Security Review of Foreign Investment in Canada  
Foreign Investment Bulletin

**January 2017**

Getting the Deal Through – Merger Control 2018 (Canada  
Chapter)

**July 2016**

Foreign Corruption: Canada's Top Court Shields Top Bank and  
Whistleblowers  
Litigation/Anti-Corruption Bulletin

**September 2015**

The Impact of New Transatlantic Trade Agreements on  
Commercial and Investment Transactions  
Business Law International

**Summer 2015**

Holding Some Separate and Scrambling the Rest: The  
Competition Tribunal's Split Decision on a Retail Gasoline  
Merger Injunction  
The Threshold

**August 2015**

For Better or Worse? Canada Updates Procurement Integrity  
Regime  
Procurement Bulletin

**February 2015**

UPDATED: Canada Expands Economic Sanctions and Targets  
Russian Energy Sector  
Economic Sanctions Bulletin



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## **December 2014**

Hitting 'Em Where it Hurts: Canada Targets Russian Energy Sector in Latest Round of Economic Sanctions  
Economic Sanctions Brief

## **December 2014**

*Le Projet de loi no 26 : une approche novatrice pour récupérer les sommes dont les contribuables ont été privés par les fraudes ou manœuvres dolosives dans le cadre de contrats publics*  
Bulletin en droit de la concurrence

## **December 2014**

Competition Act Amendments to Address "Unjustified" Canada-US Price Discrimination  
Competition Bulletin

## presentations

### **May 12, 2020**

Collaborating but Not Gouging – Competition Law in the COVID Business Environment  
OsgoodePD COVID-19 Webinar Series

### **July 2019**

Common Shareholdings: A Legal Analysis  
CRESSE Annual Conference - Special Policy Session

### **May 2018**

CBA Competition Law: Spring Conference  
Abuse and Monopolization in a Digital Age: New Dog or Old Tricks?, Toronto, Ontario

### **June 19, 2017**

Canadian Competition Law Through the Ages  
CBA National Competition Law Section's Young Lawyers Committee, Toronto, Ontario

### **May 26, 2017**

International Cooperation: The Competition Bureau and Global Merger Enforcement  
CBA Mergers Roundtable, Toronto, Ontario

### **May 11, 2017**

Merger Mashup: Trends and Developments in Merger Enforcement in the US, Europe and Canada  
ABA Business Law Section, Antitrust Committee

### **May 8, 2017**

Economic Analysis of Coordinated Effects  
CBA: Economists Roundtable with the Competition Bureau, Toronto, Ontario

### **November 15, 2016**

Bringing and Defending Class Actions: 10 Things Plaintiffs' and



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Defense Counsel Need to Know  
Class Actions for Litigators, Law Society of Upper Canada,  
Toronto, Ontario

**December 8, 2014**

Anti-Dumping and Countervailing Measures in Canada:  
Processes, Timelines and Implications of an Investigation  
Solar Canada (CanSIA) 2014 Conference