



Dr. A. Neil Campbell

Co-Chair, Competition and Trade
Toronto

416.865.7025
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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

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

electricity market

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

awards and rankings

- 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 by *Who's Who Legal: Thought Lawyers - Global Elite 2019* (Competition)
- *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

- "[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

September 2019

Gun Jumping in Merger Control: A Jurisdictional

Guide  Concurrences, Contributor (Chapter on Canada)

September 2019

Getting the Deal Through (Canada Chapter) – Merger Control 2020

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

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February 2019

2019 Canadian Merger Notification Threshold Increases
Competition and Foreign Investment Bulletin

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

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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

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

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

March 2014

Federal Government Tightens Procurement Integrity Provisions
Government Procurement Bulletin

December 2013

Group Buying - A Canadian Case Study
The Antitrust Source

December 2013

Ontario's Long-Term Energy Plan, 2013: "Achieving Balance" Through Clean Energy, Conservation & Innovation
Energy Bulletin

presentations

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

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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
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

May 29, 2014

Keynote Address
University of Calgary, Van Horne Institute Conference on
Restructured Electricity Markets, Calgary, Alberta

May 21, 2014

The Interface of Competition Policy and Enforcement with
Industry-Specific Regulation
Panelist, Canadian Bar Association's 2014 Spring Competition
Law Conference, Toronto