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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Corporate Influence in Competition Policymaking – Note by Canada

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This document reproduces a written contribution from Canada submitted for Item 13 of the 146th OECD Competition Committee meeting on 18-20 June 2025.

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Canada

1. Canada's Competition Bureau (Bureau) is pleased to provide this submission to the Organisation for Economic Co-operation and Development (OECD) Competition Committee short session on "Corporate Influence in Competition Policy Making." The Bureau is an independent law enforcement agency and enforces the *Competition Act* and other laws. The Bureau is headed by the Commissioner of Competition (Commissioner).
2. It is important to note that the Bureau does not have authority over legislative policy. This authority lies with the Department of Innovation, Science and Economic Development Canada.
3. This submission examines the benefits and risks of corporate participation in the Bureau's public consultations and discussion papers. Input from the public comes from a variety of sources, including businesses, legal experts, consumers, and others. Their input helps us be more efficient in our practices and clear about our thinking on competition issues. However, there are risks that if participation by larger corporations—such as well-funded enterprises, industry associations, or firms with dedicated regulatory and public affairs teams—is disproportionately higher than that of other groups, it may reflect narrow commercial interests in ways that obscure the broader public interest.

1. The Bureau's approach to consultations

4. The Bureau regularly invites feedback from the public on new and revised [enforcement guidelines and information bulletins](#) (guidelines). These consultations allow us to be transparent and consider stakeholder views about our approach to enforcement and promotion activities. Following the recent amendments to the *Competition Act*, we are revising most of our guidelines.
5. We also publish discussion papers on various topics – such as [artificial intelligence](#) – and invite views from stakeholders to foster debate and dialogue on competition-related issues. Engagement with the public informs the Bureau's views and activities, and helps our work be more focused, timely, and relevant.
6. We are committed to understanding how our guidelines impact various sectors and striking the right balance between competing perspectives. To uphold the integrity of our consultation processes and guard against disproportionate influence by well-funded corporate interests, the Bureau adheres to a set of practices designed to promote transparency and broad stakeholder engagement. These practices help ensure that our consultations are not only transparent and accessible, but also informed by a wide range of viewpoints and developed with objectivity.

2. Benefits of corporate participation in consultations

7. Corporate participation helps the Bureau critically evaluate our proposed guidelines. Input from businesses offers an external perspective that can challenge internal assumptions and test the Bureau's reasoning. This engagement encourages the Bureau to scrutinize our enforcement positions, and it contributes to more robust guidelines.

8. Businesses can also offer practical knowledge and direct insight into operational constraints and industry-specific practices, which adds to the Bureau's perspective. For instance, business participation can help identify areas where guidance is most needed and where existing Bureau guidance may lack clarity. This helps the Bureau assess the real-world impact of its proposed guidelines, and ensures the guidelines align with current market conditions and industry dynamics.

3. Risks of corporate participation in consultations

9. Larger corporations are driven by commercial interests that may not favour strong enforcement and may seek to narrow the guidelines in ways that limit the Bureau's enforcement scope. However, their perspectives may not always be aligned with those of small and medium-sized enterprises, which may favour more competitive markets and stronger enforcement.

10. Well-funded corporate interests may promote their perspectives through a number of submissions to a single consultation. In some cases, the same position may be put forward multiple times—directly by firms themselves or indirectly through intermediaries such as industry associations, the competition law section of bar associations, or think tanks. This can give the impression that their views are broadly supported, when in fact, the same positions are being advanced by a limited set of interests through multiple sources. By contrast, public interest organisations and smaller businesses often operate with limited funding and capacity to participate in consultations. As a result, their perspectives—when they differ—may be submitted less frequently. This can make it difficult for them to act as an effective counterweight when their perspectives differ from those of large corporations.

11. The uneven distribution of costs and benefits from relaxed enforcement could create a collective action problem for public interest groups. Relaxed enforcement may create conditions that benefit a small number of firms with the incentive to engage in anti-competitive conduct. Meanwhile, the potential negative impacts of relaxed enforcement—such as reduced competition or higher prices—may spread across many stakeholders. Large corporations often coordinate their advocacy through industry associations or their legal representatives, whereas consumers and smaller businesses may have fewer opportunities and face higher barriers in coordinating their efforts to present a unified voice. As a result, larger corporations are better positioned to organize and to actively engage with the Bureau, while smaller stakeholders and public interests may face challenges in having their perspectives represented in Bureau processes.

12. An additional risk arises when competition authorities cannot distinguish objective expertise from advocacy. Some stakeholders present themselves as unbiased experts despite receiving direct or indirect corporate funding. For instance, there have been cases where corporations have provided funding to academic departments, allegedly to shape funding recipients' views on antitrust matters.¹ These recipients then participate in consultations or make submissions that appear independent, but in reality, reflect the interests of their corporate funders. Without clear disclosure of this financial backing, such submissions can mislead authorities by presenting corporate-aligned views as impartial expertise.

¹ [Profs' group demands answers from U of T about gift from Amazon - The Logic](#)

4. How to safeguard the integrity of the consultation process

13. To maintain the integrity of the consultation processes, and safeguard against disproportionate corporate influence, the Bureau follows a set of best practices to promote transparency and broaden stakeholder engagement. These are:

- **Transparency in the process:** The Bureau ensures transparency in its consultation processes by publicly announcing our plans to develop or update these guidelines, and by clearly communicating the process for stakeholder submissions. Following a consultation, the Bureau publishes all the submissions we receive online, unless the participant requests their submission be kept confidential.
- **Engaging a broad set of stakeholders:** The Bureau actively asks for input from a diverse range of stakeholders. This extends beyond large corporations, and includes consumer groups, public interest organisations, academics, and smaller businesses. We also use different outreach channels, such as workshops and presentations, to encourage engagement from a wider range of stakeholders.
- **Sharing feedback internally:** The Bureau has internal governance mechanisms and processes to share stakeholder feedback throughout the Bureau. This ensures that all input received that could inform our work, beyond the scope of a specific consultation, is available and considered.
- **Ensuring accessibility:** The Bureau drafts its consultations, guidelines, and discussion papers in plain language and publishes them in accessible formats to reach as broad an audience as possible. Our goal is to include voices beyond those of lawyers, economists, and senior business professionals. The Bureau also engages with many public forums, including major Canadian news outlets, podcasts, and think tanks to inform the public discussion around competition beyond our formal consultation processes.
- **Seeking disclosures of interests:** The Bureau recognizes that it is important for stakeholders to be open about any financial or organizational ties that could influence their views. As part of our ongoing efforts to monitor and strengthen our consultation processes, we are considering introducing a measure that asks stakeholders to disclose any financial or organizational ties related to their submissions. By identifying potential gaps and addressing them, this added transparency would help the Bureau better understand possible biases and more effectively distinguish between independent expert advice and advocacy influenced by private interests.

14. As the Bureau continues to engage with a wide range of stakeholders through consultations and discussion papers, it recognizes the responsibility to manage the risks associated with corporate influence. A transparent and inclusive consultation process is essential to ensure that the Bureau's approach to competition promotion and enforcement serves the public interest.