

**COMPETITION TRIBUNAL**

Reference: *The Commissioner of Competition v. Agrium Inc.*

File No.: CT-2009-016

Registry Document No.:

**IN THE MATTER OF** the *Competition Act*, R.S.C. 1985, c. C-34, as amended, and the *Competition Tribunal Rules*, SOR/94-290;

**AND IN THE MATTER OF** the filing and registration of a Consent Agreement in relation to the proposed acquisition by Agrium Inc. of CF Industries Holdings, Inc.

**AND IN THE MATTER OF** an Application pursuant to paragraph 106(1)(b) of the *Competition Act*.

**BETWEEN:**

**THE COMMISSIONER OF COMPETITION**

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED / PRODUIT CT-2010-003 April 1, 2010	
Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 2

Applicant

- and -

**AGRIUM INC.**

Respondent

Decided on the basis of the written record.

Presiding Judicial Member:

Date of Order:

Order signed by:

**ORDER ALLOWING AN APPLICATION UNDER PARAGRAPH 106(1)(b) OF THE COMPETITION ACT TO RESCIND A CONSENT AGREEMENT**

[1] FURTHER to the Consent Agreement filed on November 4, 2009, by the Commissioner of Competition (“**Commissioner**”) in relation to the proposed acquisition by Agrium Inc. (“**Agrium**”) of CF Industries Holdings, Inc. (“**Consent Agreement**”);

[2] AND FURTHER to an Application made on consent pursuant to paragraph 106(1)(b) of the *Competition Act*, R.S.C. 1985, c. C-34 (“**Act**”), by the Commissioner and Agrium, to rescind the Consent Agreement;

[3] AND UPON considering a letter from counsel for the Commissioner and Agrium dated March 31, 2010, explaining why the Consent Agreement is no longer required;

[4] AND UPON being satisfied with the explanation provided;

[5] AND UPON noting that the rescission of the Consent Agreement is on consent but is nevertheless a discretionary matter for the Tribunal;

[6] AND UPON dispensing therefore with the application of the *Competition Tribunal Rules*, SOR/2008-141, which require the filing of pleadings in proceedings under section 106 of the Act;

**THE TRIBUNAL ORDERS THAT:**

[7] The Application made pursuant to paragraph 106(1)(b) of the Act is allowed.

[8] The Consent Agreement is rescinded.

DATED at Ottawa, this \_\_\_ day of \_\_\_\_\_ 2010.

SIGNED on behalf of the Tribunal by the Chairperson

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**COUNSEL:**

For the applicant:

The Commissioner of Competition  
Nikiforos Iatrou

For the respondent:

Agrium Inc.  
Robert E. Kwinter