

Competition Tribunal



Tribunal de la Concurrence

Reference: *Commissioner of Competition v. United Grain Growers Limited*, 2006 Comp.Trib.35
File No.: CT-2002-001
Registry Document No.: 0213

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF the acquisition of Agricore Cooperative Ltd. by United Grain Growers Limited which now carries on business as Agricore United;

AND IN THE MATTER OF a consent agreement entered into by the Commissioner of Competition and United Grain Growers Limited in relation to the Acquisition, dated October 17, 2002.

B E T W E E N:

The Commissioner of Competition
(applicant/responding party)

and

Agricore United
(respondent/moving party)

Date of conference call: 20060921
Presiding Judicial Member: Simpson J. (Chairperson)
Date of order: September 26, 2006
Order signed by: Madam Justice S. Simpson



**ORDER ON MOTION BY AGRICORE UNITED FOR AN INTERPRETATION OF THE
CONSENT AGREEMENT**

[1] FURTHER TO a consent agreement between the Commissioner of Competition (the “Commissioner”) and United Grain Growers Limited registered with the Tribunal on October 17, 2002 (the “Agreement”);

[2] AND FURTHER TO the agreement of counsel for both parties to treat this motion as one for an interpretation of the Agreement under paragraph 50 thereof to determine whether Agricore United (“Agricore”) has a right to seek directions from the Tribunal if, following its review of the Vancouver Port Authority’s (the “VPA”) proposed lease (the “Lease”), Agricore concludes that it does not permit a divestiture in accordance with the Agreement;

[3] AND UPON reading the written submissions filed on behalf of the Commissioner and Agricore;

[4] AND UPON hearing the submissions of counsel for the Commissioner and Agricore during a teleconference on September 21, 2006;

THE TRIBUNAL FINDS AND ORDERS, for reasons to be delivered shortly,

[5] That the Agreement does not provide Agricore with a right to seek directions from the Tribunal if, following its review of the Lease, Agricore concludes that it does not permit a divestiture in accordance with the Agreement;

[6] That this motion is therefore dismissed with costs.

DATED at Ottawa, this 26th day of September 2006.

SIGNED on behalf of the Tribunal by the Chair of the Tribunal.

(s) Sandra J. Simpson

APPEARANCES:

For the moving party:

Agricore United

John Bodrug

For the responding party:

Commissioner of Competition

Jonathan Chaplan

John Syme

E.C. Yuh