

Competition Tribunal



Tribunal de la concurrence

Reference: *The Coca-Cola Company v The Commissioner of Competition*, 2018 Comp Trib 19
File No.: CT-2018-011
Registry Document No.: 2

IN THE MATTER OF a consent agreement registered by the Competition Tribunal on September 27, 2010 in File No CT-2010-009 with respect of the acquisition by The Coca-Cola Company of the North American carbonated soft drink business of Coca-Cola Enterprises Inc;

AND IN THE MATTER OF an application on consent pursuant to paragraph 106(1)(b) of the *Competition Act*, RSC 1985, c C-34 to rescind such consent agreement .

BETWEEN:

The Coca-Cola Company
(applicant)

and

The Commissioner of Competition
(respondent)



Decided on the basis of the written record

Members: D. Gascon J. (Chairperson), Dr. D.G. McFetridge, Mr. L.P. Schwartz

Date of Order: November 22, 2018

Order signed by: D. Gascon J. (Chairperson)

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

[1] **FURTHER** to a consent agreement filed on September 27, 2010 by the Commissioner of Competition (“**Commissioner**”) in relation to the acquisition by The Coca-Cola Company (“**TCCC**”) of the North American carbonated soft drink business of Coca-Cola Enterprises Inc. (“**CCE**”), including CCE’s Canadian bottling operations now known as Coca-Cola Refreshments Canada Company (“**CCRC**”)(“**Consent Agreement**”);

[2] **AND WHEREAS** on September 28, 2018, TCCC completed the sale of CCRC to a partnership led by Mr. Larry Tanenbaum (and his business, The Kilmer Group) and Mr. Junior Bridgeman (and his business, Heartland Coca-Cola Bottling Company);

[3] **AND WHEREAS**, since September 28, 2018, TCCC no longer has any ownership of the CCRC business, which is operated by independent third-party owners, thereby eliminating the competitive concern that gave rise to the filing of the Consent Agreement;

[4] **AND FURTHER** to an application made pursuant to paragraph 106(1)(b) of the *Competition Act*, RSC 1985, c C-34, by TCCC, with the consent of the Commissioner, to rescind the Consent Agreement (“**Application**”);

[5] **AND UPON** considering the Application, the information and the reasons set out therein for the rescission of the Consent Agreement;

[6] **AND UPON** being satisfied with the reasons and information provided by the parties;

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

THE TRIBUNAL ORDERS THAT:

[8] The Consent Agreement registered in File No CT-2010-009 is hereby rescinded.

[9] There shall be no costs on this Application.

DATED at Ottawa, this 22nd of November 2018.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL OF RECORD

For the applicant:

The Coca-Cola Company

Casey Halladay
Neil Campbell

For the respondent:

The Commissioner of Competition

Steve Sansom