



# Oliver J. Borgers

## Partner

Toronto

[oborgers@mccarthy.ca](mailto:oborgers@mccarthy.ca)

t. +1 416-601-7654

## Bar Admission

Ontario 1988

England and Wales 1995

## Law School

University of Toronto

University of Ottawa

## Practices

Competition/Antitrust & Foreign

Investment

Mergers & Acquisitions

Real Estate

## Industries

Private Equity & Investments

Infrastructure & Construction

Retail & Consumer Markets (RCM)

Oliver Borgers is a partner in our Competition/Antitrust & Foreign Investment Group in Toronto. Oliver focuses on antitrust law, foreign investment review, national security review and mergers and acquisitions. From 1994 to 1997, he managed the firm's London, UK office.

Oliver is recognized as a leading competition lawyer in the most recent editions of *Chambers Global*, *Chambers Canada*, *Who's Who Legal: Canada*, the *International Who's Who of Business Lawyers* and the *International Who's Who of Competition Lawyers & Economists* (Competition Law Review), *PLC Which Lawyer*, *Competition Law Handbook* (PLC), *Legal Media Group's Guide to the World's Leading Competition and Antitrust Lawyers*, *The Legal 500 - Canada*, *The Best Lawyers in Canada – Competition/Antitrust* and the *Canadian Legal Expert Directory*.

Oliver is also ranked Band 1 in *Chambers Global's* former Investment Canada (foreign investment review) category.

His practice centres on the application of competition laws to mergers, acquisitions, joint ventures, alliances, pre-merger notifications and market conduct. Oliver led the team that obtained *Competition Act* and *Investment Canada Act* clearance for Canada's largest transaction to date (Rio Tinto acquisition of Alcan). He also secured antitrust clearance for the largest merger by a Canadian company (Enbridge acquisition of Spectra Energy). Oliver regularly provides strategic advice to major national and international companies and state-owned enterprises on pre-merger clearance matters in a variety of industries and has extensive experience in various marketing and pricing practices, market restrictions, exclusive dealing and a host of other compliance, civil and criminal issues that arise out of antitrust law. He is also a specialist in foreign investment merger review and national security issues arising under such statutes as the *Investment Canada Act* and has extensive dealings with the Ministry of Industry and Canadian Heritage on investment matters.

Oliver teaches competition and foreign investment law at the Faculty of Law, Western University (London). He is an Executive Member of the National Competition Law Section of the Canadian Bar Association (CBA), as well as founder and past chair of the section's Foreign Investment Review

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Committee, and past chair of the section's Merger Committee. He is also a member of the American and International Bar Associations and the Studienvereinigung Kartellrecht (German Antitrust Law Association). He is also a founding director of the Canadian-German Lawyers Association.

He regularly speaks on competition law, foreign investment and merger related topics to audiences and media in Canada and abroad. Member of editorial boards of *Competition Global Guide: Merger Control* and *Competition Global Guide: Restraints of Trade and Dominance* (publications of Practical Law Company). He is also the contributing editor of the current edition of *Foreign Investment Review*, Law Business Research.

Oliver speaks English, French, German and some Spanish and is qualified as an English solicitor. He received his BA (Philosophy) from the University of Toronto, his LLB from the University of Ottawa and his LLM from the University of Toronto. He is called to the Ontario bar and is a member of the Law Society of England and Wales.

## NOTABLE TRANSACTIONS

- acting for Dow in merger with DuPont
- acting for Leon's Furniture in merger with The Brick Furniture
- acting for Enbridge in acquisition of Spectra Energy
- acting for Calgary Sinoenergy in acquisition of Long Run Exploration oil & gas assets
- acting for Bluesky Hotels in acquisition of InnVest hotels
- acting for Bouygues Energies in its acquisition of a majority interest in Plan Group construction
- acting for Kraft in the merger of Kraft and Heinz foods
- acting for Fairmont in sales to Accor/Sofitel
- acting for Glentel in sale of telephone business to Bell/Rogers
- acting for General Mills in sale of Jolly Green Giant business
- acting for Spectra Energy in sale of natural gas liquids business to Plains Energy

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- acting for Slate Office REIT acquisition of Fortis properties
- acting for Sun Life Financial in acquisition of Bentall Kennedy
- acting for Coastal Contacts in acquisition by Essilor
- sale of CIBC Aeroplan Visa portfolio to TD
- acting for Emco in the acquisition of Noble
- acting for Spectra Energy in the acquisition of the Express pipeline
- acting for Agrium in acquisition of Viterra/Glencore Assets;
- acting for Pension members of Maple Group in acquisition of TSX
- acting for Anglo American in acquisition of De Beers
- acting for Rio Tinto in acquisition of Alcan, Ivanhoe Mines and the BHP bid
- acting for General Mills in purchase of Yoplait
- acting for Intrust in acquiring Monarch Homes
- acting for Anglo American in sale of Moly-Cop
- acting for Unilever in acquisition of Alberto-Culver
- acting for GE on various financial and credit card portfolio transactions
- acted for Avaya in its acquisition of the Nortel telephony enterprise solutions business
- acting for Pepsi in acquisition of Pepsi Bottling Group, Tropicana Juices and Quaker Oats (Gatorade)
- acquisition of hotel/hospitality businesses, including Intrust, Fairmont, Four Seasons and Delta
- acquisition of Alliance Atlantis
- sale of Stelco to US Steel
- merger of Sony Music and BMG Music
- merger of Maple Leaf Foods and Schneider Meats

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## **Awards & Rankings**

### **Chambers Global**

Senior Statesperson: Competition/Antitrust - Canada

### **Chambers Canada**

Senior Statespeople: Competition/Antitrust

### **Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada**

Leading Lawyer: Competition Law

### **Canadian Legal Lexpert Directory**

Leading Lawyer: Competition Law

### **Lexpert Special Edition: Litigation**

Leading Lawyer

### **The Legal 500 - Canada**

Leading Lawyer: Competition and antitrust

### **Who's Who Legal Canada**

Thought Leader: Competition

### **International Who's Who of Competition Lawyers & Economists (Competition Law Review)**

Leading Lawyer: Competition

### **Best Lawyers in Canada**

Leading Lawyer: Competition/Antitrust Law

### **PLC Which Lawyer, Competition Law Handbook**

Leading Lawyer: Competition

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## Legal Media Group's Guide to the World's Leading Competition and Antitrust Lawyers

Leading Lawyer: Competition

### Acritas Star

"Stand-out lawyer"

### Lexology Client Choice Award - 2020

Competition & Antitrust - Ontario

## Recent Experience

- **Brookfield Renewable Holdings enters into negotiations to acquire Neoen for €6.1B**  
May 30, 2024
- **Blue Wolf Capital Partners acquires LOGISTEC Corporation for C\$1.2B**  
January 9, 2024
- **Brookfield Infrastructure and Ontario Teachers' Pension Plan acquires Compass Datacenters from RedBird Capital Partners and Azrieli Group**  
October 3, 2023
- **Saint-Gobain to acquire Building Products of Canada Corp. for C\$1.325B**  
September 1, 2023

## Recent Insights

- **Competition/Antitrust & Foreign Investment Outlook 2024**  
January 25, 2024
- **Finally Finalized: Competition Bureau Publishes No-Poach and Wage-Fixing Guidelines**  
June 2, 2023

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- **Competition/Antitrust & Foreign Investment Outlook 2023**

January 5, 2023

- **Cross-Border: A Retailer's Guide to Doing Business in Canada 2021  
Edition**

October 26, 2021