

North America

Canada picks Pecman

Ron Knox • Wednesday, 12 June 2013 (31 minutes ago)

As was widely expected, the government of Canada has appointed career Competition Bureau official John Pecman as the country's new commissioner of competition.



John Pecman

Pecman takes over after serving as acting head of the bureau since September last year, when former commissioner Melanie Aitken stepped down to return to private practice. Pecman has served in the bureau for nearly three decades, most recently as head of the agency's cartel enforcement programme under Aitken.

Christian Paradis, Canada's Minister of Industry who oversees the bureau, announced Pecman's five-year appointment as commissioner today.

"I am pleased that Mr Pecman will continue to contribute significantly to the Competition Bureau

in assuming this key leadership role," Paradis says.

Pecman is the first full-time appointed commissioner in the history of the bureau to not have a legal background – a quality some observers suggested might work against his case to become head of the agency. Pecman is an economist by training.

But since taking over the bureau last year, Pecman has earned the praise of the country's competition bar and business community for his work, engaging, both at home and abroad, on ways to make the bureau more transparent and predictable.

In a speech late last month, for example, Pecman announced a new transparency initiative that will see the bureau provide parties and the public with more detailed information about its investigations and analysis of cases – particularly its economic analysis.

Brian Facey, partner at Blakes and chair of the Canadian Bar Association's Competition Law Section, says Pecman's priorities include building trust through enhanced collaboration with the bar and greater coordination with the bureau's fellow regulators.

“He has spent the previous eight months opening the lines of communication with companies appearing before the bureau, a process that has been very well received,” Facey says.

While his lack of legal training created some concerns among the bar, his background has generally been a non-issue. Indeed, observers say Pecman’s deep experience in the bureau has been, and should continue to be, an asset in leading the agency and shaping its policy.

Mark Katz, from Davies Ward Phillips & Vineberg in Toronto, says Pecman’s breadth of experience in the bureau will give him the perspective needed to choose the right cases more so than any outsider to the position, including any lawyer.

His climb through the bureau’s ranks is also a positive sign for the staff at the enforcer, Katz says.

“This shows that capable and experienced people from within the bureau can rise to the top and will not run into a ‘glass ceiling’ that prevents their advancement,” he says.

When an official has 30 years of experience at all levels of an agency, the absence of a law degree from a resume “should scarcely matter,” says Nikiforos Iatrou, partner at WeirFoulds in Toronto.

“He has a proven track record in successfully leading enforcement initiatives and, while not a litigator himself, has been the bureau’s witness in litigated cases,” Iatrou says. “Everyone will expect his appointment to translate into increased enforcement activity on the criminal side, but I would not be surprised to see increased activity on all fronts.”

Indeed, doubts as to Pecman’s desire to continue what was a highly active enforcement docket under his predecessor appeared to have been quashed last week, when the bureau brought a series of criminal cartel charges in the chocolate industry.

While many practitioners believed the long-running case to be firmly on the bureau’s back burner, if not dead altogether, the bureau under Pecman convinced the country’s public prosecutor to bring charges against both the chocolate makers and three top executives. The cases continued in spite of the more difficult burden of proof the enforcer must overcome to secure a conviction.