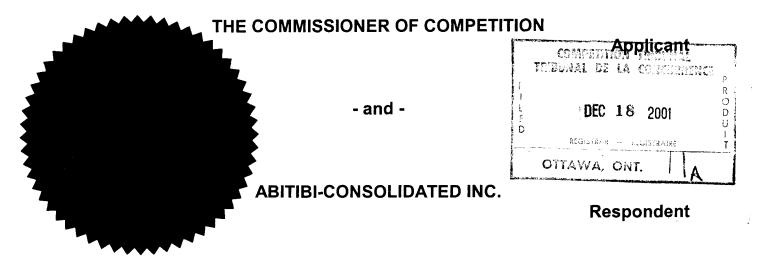
## THE COMPETITION TRIBUNAL

**IN THE MATTER OF** an application by the Commissioner of Competition for a consent order pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF the acquisition by Abitibi-Consolidated Inc. of all of the outstanding shares of Donohue Inc.

# **BETWEEN:**



## NOTICE OF APPLICATION FOR A CONSENT ORDER

#### TAKE NOTICE THAT:

Pursuant to sections 92 and 105 of the Competition Act, R.S.C. 1985, c.
C-34 (the "Act"), the applicant, the Commissioner of Competition (the "Commissioner"), will make an application, on consent of the respondent, for:

- (a) an order pursuant to sections 92 and 105 of the *Act* in the form of theDraft Consent Order attached hereto;
- (b) an order maintaining the confidentiality of the period of the date by which the agent may complete the divestiture of the Designated Assets, as described in paragraph 1 and confidential Schedule "A" of the Draft Consent Order; and
- (c) such further or other order as the applicant and the respondent, on consent, may advise and as the Tribunal considers appropriate.

#### AND TAKE NOTICE THAT:

- In support of this application for a consent order, the applicant will rely on the Statement of Grounds and Material Facts, the Affidavit of John Pecman dated the 17th day of December, 2001, the Consent Order Impact Statement, the Consent of the parties to this application, the Draft Consent Order, all filed, and such other material as may be filed or counsel may advise.
- 3. The name and address of the person against whom a consent order is sought is listed below.
- 4. The applicant and respondent request that this application be heard in the English language.

- 5. The applicant and respondent agree, subject to an order of the Tribunal, that no oral evidence will be given at the hearing of this application and that the evidence will be limited to the affidavit of John Pecman dated the 17th day of December, 2001, attached hereto.
- 6. The parties have agreed to maintain the confidentiality of the date by which the agent may complete the divestiture of the Designated Assets (as defined in the Draft Consent Order filed) on the basis that this information is confidential and its disclosure would be prejudicial to the respondent.

**DATED** at Hull, Quebec this 7th day of December, 2001.

Konrad von Finckenstein, Q.C.

Commissioner of Competition Place du Portage, Phase I 50 Victoria Street, 21<sup>st</sup> Floor

Hull, Quebec K1A 0C9

Telephone: (819) 997-3301 Facsimile: (819) 953-5013

**TO:** The Registrar of the Competition Tribunal

90 Sparks Street, Suite 600

Ottawa, Ontario

K1P 5B4

**AND TO:** Abitibi-Consolidated Inc.

1155, rue Metcalfe, suite 800

Montreal, Québec

H3B 5H2

#### ADDRESS FOR SERVICE OF THE APPLICANT:

## Josephine A.L. Palumbo

Department of Justice Competition Law Division Place du Portage, Phase I 50 Victoria Street, 22<sup>nd</sup> Floor Hull, Quebec K1A 0C9

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# **Counsel for the Commissioner of Competition**

#### ADDRESS FOR SERVICE OF THE RESPONDENT:

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Hillel W. Rosen Davies Ward Phillips & Vineberg, LLP Barristers & Solicitors 1501 McGill College Avenue 26<sup>th</sup> Floor Montréal, Québec H3A 3N9

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# **Solicitors for the Respondent**

#### CT-01/

**IN THE MATTER OF** an application by the Commissioner of Competition for a consent order pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34;

**AND IN THE MATTER OF** the acquisition by Abitibi-Consolidated Inc. of all of the outstanding shares of Donohue Inc.

#### **BETWEEN:**

THE COMMISSIONER OF COMPETITION

**Applicant** 

- and -

## ABITIBI-CONSOLIDATED INC.

Respondent

## NOTICE OF APPLICATION

## JOSEPHINE A.L. PALUMBO

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Tel: (819) 997-3325 Fax:(819) 953-9267

Counsel to the Commissioner of Competition