



Building Effective Anti-Cartel Enforcement

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The Global Fight Against Cartels

- The world is changing – heightened focus on detecting and deterring hardcore cartels including new laws, harsher sanctions, and more aggressive investigative tools
- Greater recognition that international cartels causing serious harm to businesses and consumers around the world
- The evidence, witnesses and perpetrators of international cartel offenses may reside outside of your nation's borders



Improved Cooperation Among Enforcers

- Growing consensus on fight against cartels has resulted in improved cooperation and coordination among enforcers
- Gradually overcoming challenge of gaining access to foreign-based documents, witnesses and defendants but significant obstacles remain – e.g., exchange of information between administrative and criminal regime
- Introduction of leniency programs around world has greatly enhanced cooperation and access to foreign-located evidence

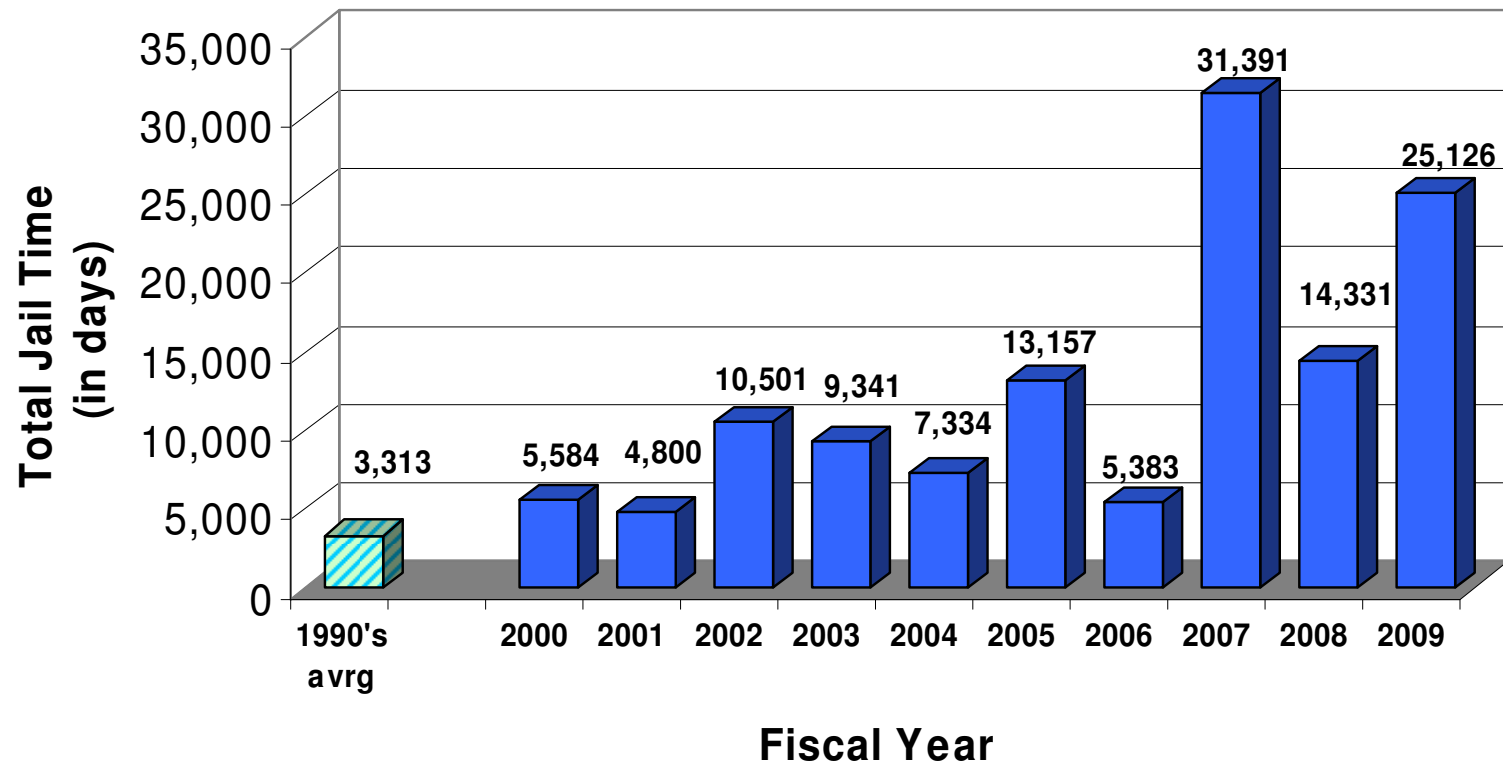


The U.S. Experience

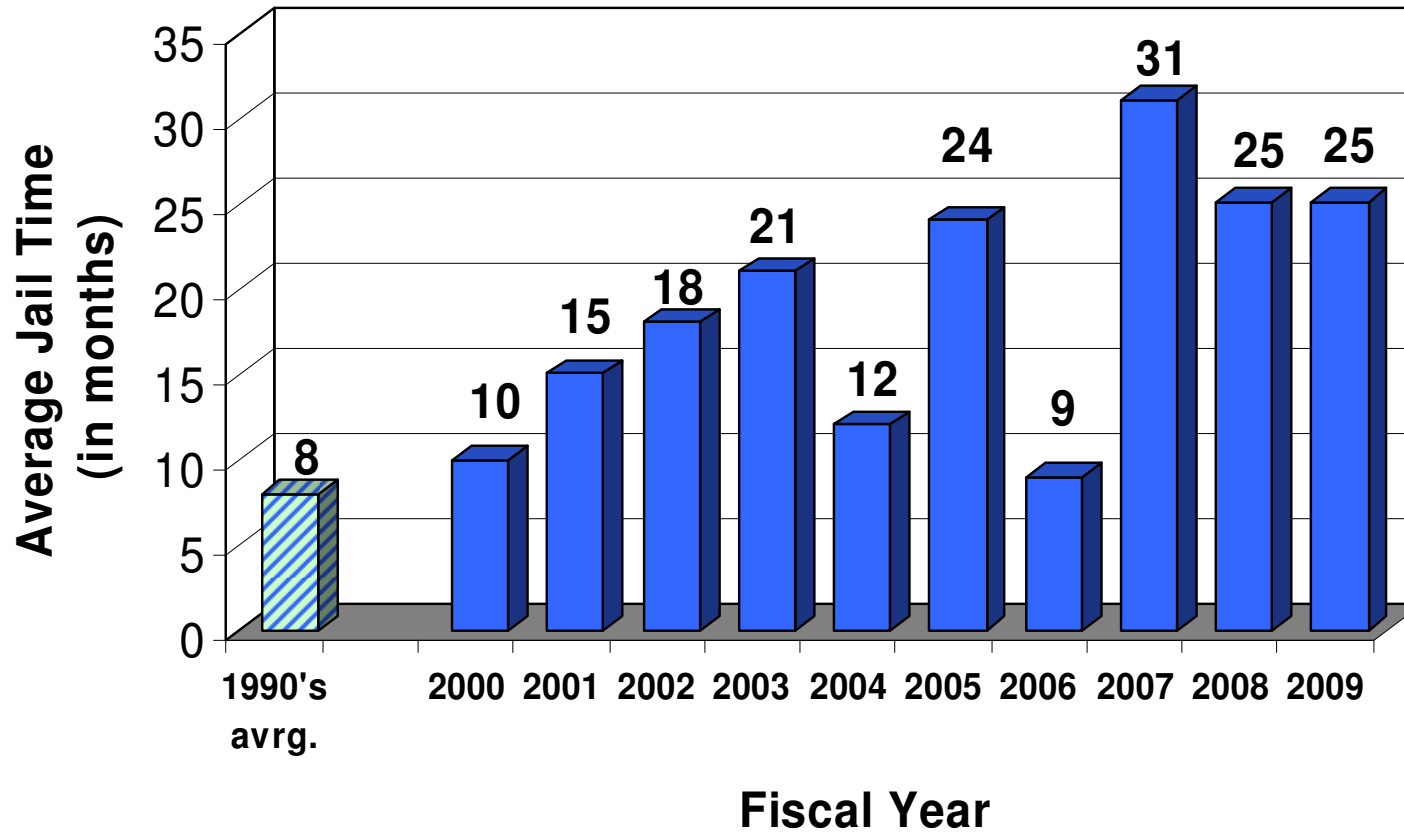
- Full investigative arsenal: wiretaps, search warrants, trained investigators, Interpol Red Notice watches, ability to compel sworn testimony
- U.S. Congress raised statutory maximum penalties in June 2004 to 10 years incarceration (individuals) and \$100 million fine (corporation).
- Emphasis on individual accountability through the imposition of jail sentences for culpable executives



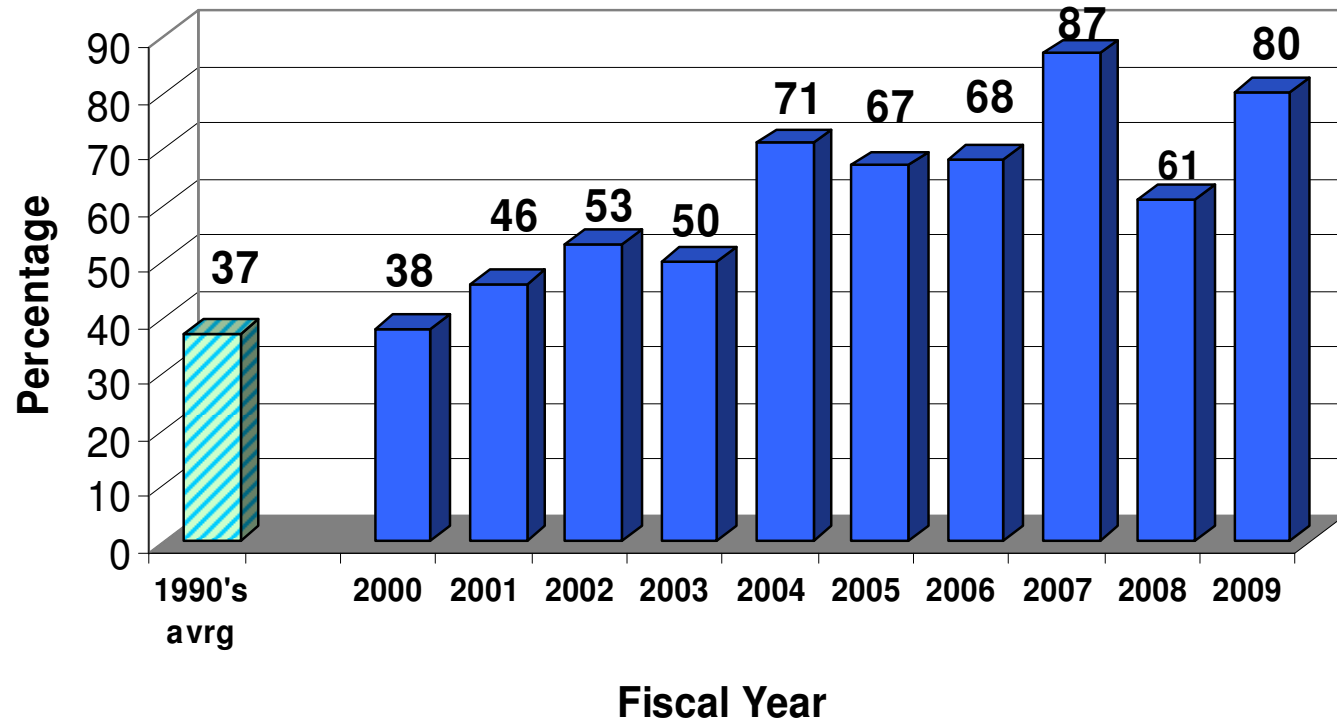
INCARCERATION TREND - Total Days



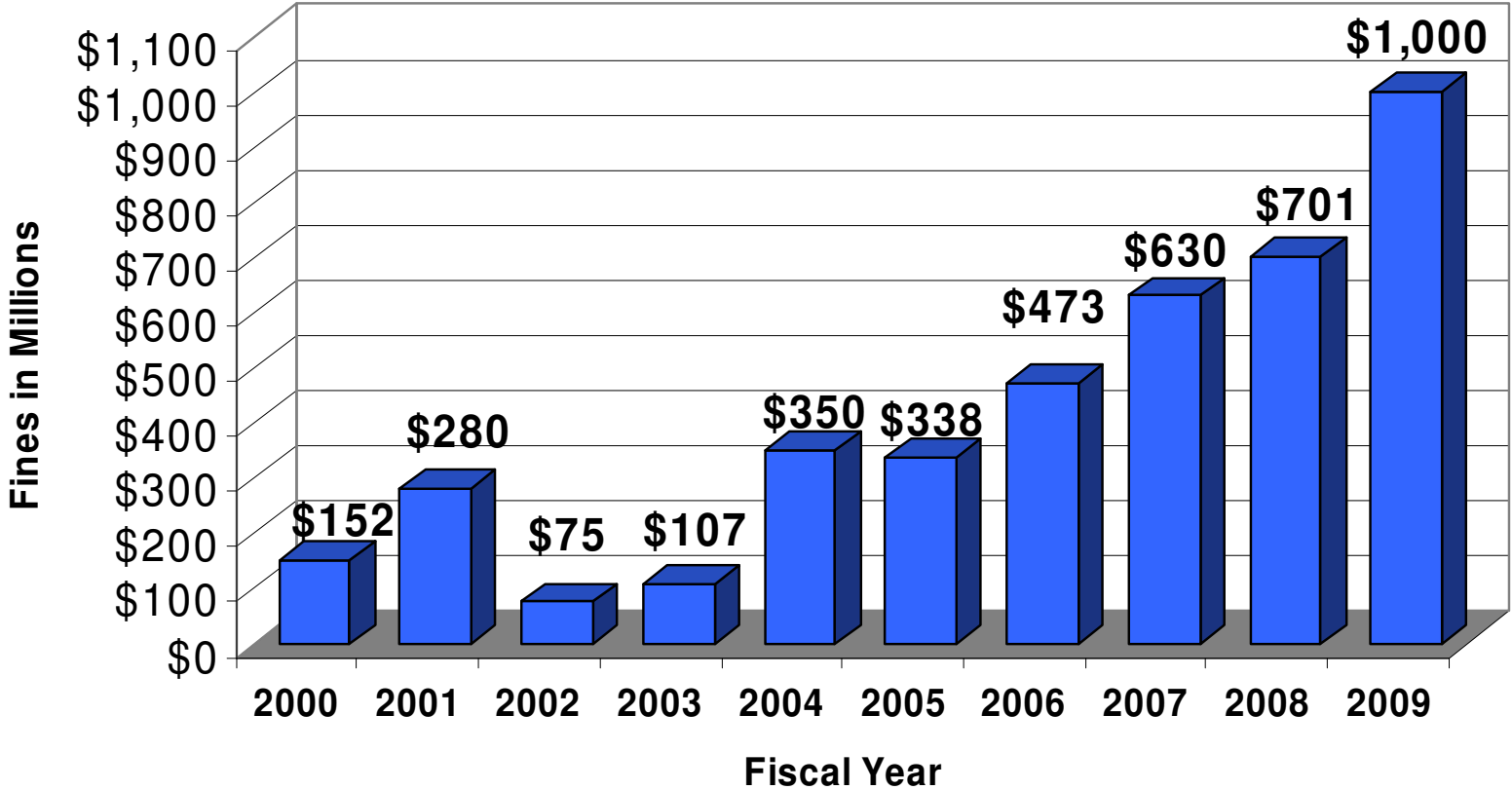
INCARCERATION TREND - Average Months



Percentage of Defendants Sentenced to Jail



Criminal Antitrust Fines





Global Movement Toward Criminalizing Cartel Offenses

- Countries that have brought significant criminal cartel cases in last year include: *Brazil; United Kingdom; Ireland; Canada; Israel; Japan; Korea; and the United States*
- Countries that have recently adopted or are considering adopting criminal sanctions for cartel offenses include: *Australia, New Zealand, Russia, Mexico, Chile, South Africa, Czech Republic, Greece, Denmark, and The Netherlands*



Five Final Thoughts

- Reward cooperators and penalize those who fail to accept responsibility
- Maximize transparency
- Be alert to links between bribery and cartel crimes
- Vigorously prosecute obstructive conduct
- Successful enforcement will deter some but push others to develop more sophisticated methods – enforcers have to adapt as well