



Department of Justice

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CARGOLUX AIRLINE EXECUTIVES INDICTED IN CONSPIRACY TO FIX SURCHARGE RATES ON AIR CARGO SHIPMENTS

WASHINGTON — A Miami grand jury returned an indictment today against two executives of Cargolux Airlines International S.A., a Luxembourg-based corporation, for participating in a conspiracy to fix and coordinate certain surcharges on air cargo shipments to and from the United States, the Department of Justice announced today.

The indictment, returned today in U.S. District Court in Miami, charges Ulrich Ogiermann, president and CEO of Cargolux, and Robert Van de Weg, senior vice president of sales and marketing of Cargolux, with conspiring with others to suppress and eliminate competition by fixing and coordinating certain surcharges, including security and fuel surcharges, charged to customers located in the United States and elsewhere for air cargo shipments including to and from the United States. According to the indictment, Ogiermann is charged with participating in the conspiracy from at least as early as October 2001 until at least February 2006. Van de Weg is charged with participating in the conspiracy from at least as early as December 2003 until at least February 2006, said the department.

Air cargo carriers transport a variety of cargo shipments, such as heavy equipment, perishable commodities and consumer goods, on scheduled international flights.

According to the indictment, Ogiermann, Van de Weg and co-conspirators carried out the conspiracy by communicating and agreeing to fix and coordinate certain surcharges to be imposed on cargo shipments to and from the United States, and agreeing not to pay commissions on those surcharges. As part of the conspiracy, Ogiermann, Van de Weg and their co-conspirators monitored the surcharge agreements and accepted payments at collusive and noncompetitive rates.

Ogiermann and Van de Weg are charged with price fixing in violation of the Sherman Act, which carries a maximum penalty of 10 years in prison and a \$1 million fine for individuals. The maximum fine may be increased to twice the gain derived from the crime or twice the loss suffered by the victims of the crime, if either of those amounts is greater than the statutory maximum fine.

A total of 18 airlines and 14 executives, including Ogiermann and Van de Weg, have been charged in the Justice Department's ongoing investigation into price fixing in the air transportation industry. To date, more than \$1.6 billion in criminal fines have been imposed and

four executives have been sentenced to serve prison time. Charges are pending against 10 executives, including Ogiermann and Van de Weg.

Today's charge is the result of a joint investigation into the air transportation industry being conducted by the Antitrust Division's National Criminal Enforcement Section and the Atlanta Field Office, the FBI's Atlanta Field Office, the Department of Transportation's Office of Inspector General and the U.S. Postal Service's Office of Inspector General. Anyone with information concerning price fixing or other anticompetitive conduct in the air transportation industry is urged to call the Antitrust Division's National Criminal Enforcement Section at 202-307-6694 or visit www.justice.gov/atr/contact/newcase.htm, or call the FBI's Atlanta Field Office at 404-679-9000.

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