



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, OCTOBER 13, 1994

AT
(202) 616-2765
TDD (202) 514-1888

DEPARTMENT OF JUSTICE, FEDERAL TRADE COMMISSION RELEASE
INTERNATIONAL ANTITRUST GUIDELINES FOR PUBLIC COMMENT

WASHINGTON, D.C. -- Noting that nearly one-fourth of America's domestic output is now related to trade with other nations, the Department of Justice and the Federal Trade Commission today proposed new guidelines on international antitrust enforcement aimed at curbing international anti-competitive activity that harms U.S. businesses and consumers.

"International enforcement has moved into the mainstream of the Antitrust Division's activity," said Anne K. Bingaman, Assistant Attorney General in charge of the Antitrust Division. "The need for clear antitrust guidance on international transactions has grown immensely."

Bingaman said Congress recognized that need last week when it passed the International Antitrust Enforcement Assistance Act of 1994. The proposed guidelines, which supersede the 1988 Antitrust Enforcement Guidelines for International Operations, complement that legislation.

The guidelines, which will be adopted after a 60-day public comment period, deal with international aspects of antitrust

(MORE)

enforcement; the role of international comity concerns; mutual assistance in international antitrust enforcement; and the effect of the involvement of foreign governments on the antitrust liability of private persons.

"I am delighted that these proposals are a joint statement by the Department and FTC because it is critical that U.S. antitrust agencies speak with one voice about foreign commerce policies," Bingaman said.

Deputy Assistant Attorney General Diane P. Wood, who chaired the group that drafted the proposed guidelines, said, "The guidelines provide the answer to a simple question: what makes international antitrust cases different? The answer lies in jurisdiction, principles of international comity, and the significance of foreign government involvement, all of which the guidelines address."

"Our message is clear," said Bingaman. "We will enforce our antitrust laws against anticompetitive practices that harm U.S. commerce. At the same time, we welcome cooperation with our counterparts in other countries. Last week, Congress gave us an important new tool to enhance that cooperation and we will use it quickly."

Among other things, the new guidelines:

- In reflecting the 1993 Supreme Court decision in the Hartford Fire case, take a broader view of antitrust jurisdiction involving imports than the 1988 guidelines.

(MORE)

- Confirm the 1992 policy statement that the Department will take appropriate enforcement action against anticompetitive foreign restraints on U.S. exports that violate U.S. antitrust laws.
- Discuss the Department's and FTC's practices and policies in seeking evidence in foreign countries.

The guidelines will be published in the Federal Register for public comment.

"We welcome the views of the business and legal communities and the general public," said Wood. "Where appropriate, we will modify the draft guidelines in response to public comment."

Comments should be submitted in writing to Diane P. Wood, Deputy Assistant Attorney General, Antitrust Division, Department of Justice, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530, and Walter T. Winslow, Associate Director, Bureau of Competition, Federal Trade Commission, Washington, D.C., 20580.

####