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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA

16 v.

17 AKZO NOBEL CHEMICALS  
18 INTERNATIONAL B.V.,

19 Defendant.

CR 06 0160  
No. CR

INFORMATION

VIOLATION:  
Title 15, United States Code,  
Section 1 (Price Fixing)

San Francisco Venue

20 The United States of America, acting through its attorneys, charges:

21 I.

22 DESCRIPTION OF THE OFFENSE

23 1. AKZO NOBEL CHEMICALS INTERNATIONAL B.V. is made a defendant on  
24 the charge stated below.

25 2. Beginning on or about July 1, 1998 and continuing until on or about December 1,  
26 2001, the defendant and coconspirators participated in a combination and conspiracy to suppress  
and eliminate competition by fixing the price of hydrogen peroxide sold in the United States and  
elsewhere. The combination and conspiracy engaged in by the defendant and coconspirators was  
in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of  
the Sherman Act (15 U.S.C. § 1).

INFORMATION-AKZO NOBEL

Page 1

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and coconspirators, the substantial terms of which were to suppress and eliminate competition by fixing the price of hydrogen peroxide in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and coconspirators did those things that they combined and conspired to do, including, among other things:

- (a) participating in conversations and meetings to discuss prices of hydrogen peroxide to be sold in the United States and elsewhere;
- (b) agreeing, during those conversations and meetings, to fix prices of hydrogen peroxide to be sold in the United States and elsewhere;
- (c) participating in conversations and attending meetings concerning implementation of and adherence to the agreements reached;
- (d) issuing price announcements and price quotations in accordance with the agreements reached; and
- (e) exchanging information on the sale of hydrogen peroxide in the United States and elsewhere.

## II.

## DEFENDANT AND COCONSPIRATORS

5. The defendant is an entity organized and existing under the laws of the Netherlands, with its principal place of business in Amersfoort, the Netherlands. During the period covered by this Information, the defendant was engaged in the business of producing and selling hydrogen peroxide in the United States and elsewhere.

6. Various corporations and individuals, not made defendants in this Information, participated as coconspirators in the offense charged herein and performed acts and made statements in furtherance of it.

7. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

### III.

## TRADE AND COMMERCE

8. Hydrogen peroxide is a chemical compound with strong oxidizing properties that is widely used as a bleaching agent. The same household chemical commonly used as a disinfectant for cuts and scrapes, hydrogen peroxide also has multiple industrial uses, including applications in the electronics, energy production, mining, cosmetics, food processing, textiles, and pulp and paper manufacturing industries.

9. During the period covered by this Information, the defendant and coconspirators manufactured, sold, and distributed hydrogen peroxide in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the defendant and coconspirators produced hydrogen peroxide.

10. The business activities of the defendant and coconspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

## IV.

## JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California within the five years preceding the filing of this Information.

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1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

2 Dated: March 14, 2006

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