IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)
	) Criminal No.: 04-221
v.	)
	) Violation: 15 U.S.C. § 1
JO TANKERS B.V.,	)
	) Filed: April 19, 2004
Defendant.	)

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Jo Tankers B.V. (hereinafter "Jo Tankers") is made a defendant on the charges contained in this Information.

2. Beginning at least as early as the second half of 1998 and continuing until as late as November 2002, the exact dates being unknown to the United States, the defendant and co-conspirators engaged in a combination and conspiracy to suppress and eliminate competition by allocating customers, fixing prices and rigging bids for contracts of affreightment for parcel tanker shipping of products to and from the United States and elsewhere. The combination and conspiracy engaged in by the defendant and co-conspirators 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).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to allocate customers, fix prices and rig bids for contracts of affreightment

for parcel tanker shipping of products to and from the United States and elsewhere.

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

(a) attended meetings and engaged in discussions concerning customers for contracts of affreightment and prices of parcel tanker shipping of products to and from the United States and elsewhere;

(b) agreed during those meetings and discussions not to compete for one another's customers either by not submitting prices or bids to certain customers, or by submitting intentionally high prices or bids to certain customers; and

(c) discussed and exchanged prices to certain customers so as not to undercut one another's prices.

II

BACKGROUND

5. Parcel tanker shipping is the ocean transport of bulk liquid chemicals, edible oils, acids and other specialty liquids. Parcel tankers are deep sea vessels equipped with compartments designed to carry shipments of various sizes. The temperature and other specifications of the compartments can be regulated according to the specific requirements of the type of liquid being transported.

6. A contract of affreightment (also known as a "COA") is a contract between a customer and a parcel tanker shipping company for the transportation of bulk liquids from one port to another. A contract of affreightment typically covers multiple shipments during a certain time period and specifies the price, cargo, destinations and other terms and conditions.

III

DEFENDANT AND CO-CONSPIRATORS

7. During the period covered by this Information, defendant Jo Tankers was a corporation organized and existing under the laws of The Netherlands with its principal place of business in Spijkenisse, The Netherlands. During the period set forth in this Information, defendant Jo Tankers, was a provider of parcel tanker shipping services and was engaged in parcel tanker shipping of products to and from the United States and elsewhere.

8. Various corporations and individuals not made defendants herein participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

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

IV

TRADE AND COMMERCE

10. During the period covered by this Information, products shipped by parcel tanker by defendant Jo Tankers, parcel tanker shipping vessels, equipment and supplies necessary to providing such parcel tanker shipping, and payments for such parcel tanker shipping traveled in interstate and foreign commerce.

11. During the period covered by this Information, the activities of defendant and its co-conspirators in connection with the parcel tanker shipping services affected by this conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.

V

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Information was carried out, in part, within the Eastern District of Pennsylvania within the five years preceding the filing of this Information.

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

Dated: April 19, 2004

/S/
R. HEWITT PATE
Assistant Attorney General

/S/
ROBERT E. CONNOLLY
Chief, Philadelphia Office

/S/
JAMES M. GRIFFIN
Deputy Assistant Attorney General

/S/
SCOTT D. HAMMOND
Director of Criminal Enforcement
Antitrust Division
U.S. Department of Justice

/S/
PATRICK L. MEEHAN
United States Attorney for the
Eastern District of Pennsylvania

/S/
ANTONIA R. HILL
WENDY BOSTWICK NORMAN
KIMBERLY A. JUSTICE
RICHARD S. ROSENBERG
Attorneys, Antitrust Division
U.S. Department of Justice
Philadelphia Office
The Curtis Center, Suite 650W
170 South Independence Mall West
Philadelphia, PA 19106
Tel.: (215) 597-7405