IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	Criminal No.:
	)	
v.	)	Filed:
	)	
NIPPON EXPRESS CO. LTD.	)	Violation: 15 U.S.C. § 1
	)	
Defendant.	)	(CONSPIRACY TO RESTRAIN TRADE)
	)	

INFORMATION

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

I.

COUNT ONE – CONSPIRACY TO RESTRAIN TRADE (15 U.S.C. § 1)

Defendant and Co-Conspirators

1. Nippon Express Co. Ltd. ("Defendant") is a corporation organized and existing under the laws of Japan, with its principal place of business in Japan. During the period covered by this Information, Defendant was engaged in the business of providing Japan to United States air freight forwarding services.

2. Various corporations and individuals, not made Defendants in this Information, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

3. 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.

Background of the Offense

During the period covered by this Information:

4. Defendant and its co-conspirators provided air freight forwarding services from Japan to the United States.

5. Defendant's Japan to U.S. air freight forwarding services included: receiving and consolidating cargo destined for air shipment from Japan to the United States; arranging for, but not providing transportation of, cargo shipped by air from Japan to the United States, as well as incidental services, such as ground transportation services to a Japanese airport and warehousing prior to shipment by air from Japan to the United States; contracting with air carriers for the shipment of the air cargo from Japan to the United States; and preparing documents to accompany air cargo shipments from Japan to the United States. For its Japan to U.S. air freight forwarding services, Defendant charged rates comprised of air freight charges, and various surcharges and fees, such as fuel surcharges and security fees. The surcharges and fees charged by Defendant and its co-conspirators in Japan are collectively referred to herein as the "Freight Forwarding Service Fees."

Description of the Offense

6. Beginning in or about September 2002, and continuing until at least in or about November 2007, the exact dates being unknown to the United States, Defendant and its co-conspirators participated in a combination and conspiracy among major Japan-based providers of Japan to U.S. air freight forwarding services to suppress and eliminate competition by fixing certain components of freight forwarding service fees charged to customers for services provided in connection with certain air freight forwarding shipments of air cargo from Japan to the United

States. The combination and conspiracy engaged in by Defendant and its co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section One of the Sherman Act (15 U.S.C. § 1).

7. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among Defendant and its co-conspirators, the substantial terms of which were to suppress and eliminate competition by fixing certain components of freight forwarding service fees charged to customers for services provided in connection with shipments made by air from Japan to the United States.

Manner and Means of the Conspiracy

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

(a) participating in meetings, conversations, and communications to discuss certain components of freight forwarding service fees to be charged on air cargo shipments from Japan to the United States;

(b) agreeing, during those meetings, conversations, and communications, on one or more components of the freight forwarding service fees to be charged on air cargo shipments from Japan to the United States;

(c) levying freight forwarding service fees, and accepting payments for services provided for, air cargo shipments from Japan to the United States, in accordance with the agreements reached; and

(d) engaging in meetings, conversations, and communications for the purpose of monitoring and enforcing adherence to the agreed-upon freight forwarding service fees.

Trade and Commerce

9. During the period covered by this Information, the air cargo shipments handled by one or more of the Japan-based conspirators, and aircraft necessary to transport the air cargo shipments, as well as payments received for providing freight forwarding services for those air cargo shipments, and other documents essential to the sale of and provision of Japan to U.S. air freight forwarding services, were transmitted in interstate and foreign trade and commerce between and among offices of Defendant, its affiliates, and its customers located in various States and foreign countries.

10. During the period covered by this Information, one or more co-conspirators arranged for the air shipment of substantial quantities of air cargo, in a continuous and uninterrupted flow of interstate and foreign trade and commerce, between Japan and the United States, including through various United States airports to final destinations in various States.

11. During the period covered by this Information, the business activities of one or more co-conspirators, in connection with the sale of Japan to U.S. air freight forwarding services that are the subject of this Information, were within the flow of, and substantially affected, interstate and foreign trade and commerce.

Jurisdiction and Venue

12. The combination and conspiracy charged in this Information was carried out within the United States during the five years preceding the filing of this Information.

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

Dated:

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