

Statement of Policy by the Antitrust Division Regarding
Enforcement and Review of Permanent Injunctions Entered in
Government Antitrust Cases

Effective May 1, 1984, the Antitrust Division will lodge in its litigating sections and field offices direct responsibility for the enforcement of permanent injunctions (hereinafter referred to as "judgments") entered in antitrust actions brought by the Department of Justice, and for the review of such judgments for possible modification or termination.

The Antitrust Division expects defendants and others bound by outstanding judgments to comply with their terms scrupulously. The Division will periodically conduct inquiries to determine judgment compliance, and will initiate criminal or civil contempt proceedings to deal with violations. Persons who have reason to believe that judgment violations may have occurred are encouraged to contact the Division's Office of Operations, Room 3214, Main Building, Department of Justice, Washington, D.C. 20530. Such communications will be accorded confidential treatment.

The Division recognizes that, with the passage of time and as a result of changed legal or factual circumstances, existing judgments may become anticompetitive or for other reasons no longer be in the public interest. The Division seeks to identify such outdated judgments, and in appropriate cases will consent to court applications by defendants to modify or terminate them, particularly where the judgments in question unnecessarily or unduly restrict otherwise legitimate competitive activity. Judgment defendants who believe that their judgments ought to be terminated or modified should so inform the Division, through the Office of Operations, and provide to the Division:

- (1) a detailed explanation as to (a) why the judgment in question should be vacated or modified, including information as to changes of circumstances or law that make the judgment inequitable or obsolete, and (b) the actual anticompetitive or other harmful effect of the judgment;
- (2) a statement of the changes, if any, in its method of operations or doing business that the defendant contemplates in the event the judgment is modified or vacated; and

- (3) a commitment to pay the costs of publication of public notice of the termination or modification proceedings in the trade and business press, as the Division may determine to be appropriate.