

1 MICHAEL L. SCOTT (CSBN 165452)
LIDIA SPIROFF (CSBN 222253)
2 E. KATE PATCHEN (NYRegN 4104634)
Antitrust Division
3 U.S. Department of Justice
450 Golden Gate Avenue
4 Box 36046, Room 10-0101
San Francisco, CA 94102
5 Telephone: (415) 436-6660

Original Filed May 2, 2005

6 Attorneys for the United States

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA)	No. CR 05 00277 MHP
)	
11 v.)	INFORMATION
)	
12 SYNDIAL S.p.A.,)	VIOLATION:
)	Title 15, United States Code,
13 Defendant.)	Section 1 (Price Fixing)
)	
14)	San Francisco Venue

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

16 I.

17 DESCRIPTION OF THE OFFENSE

- 18 1. SYNDIAL S.p.A. is made a defendant on the charge stated below.
- 19 2. Beginning in or about September 1999 and continuing until in or about April
20 2002, the defendant and co-conspirators participated in a combination and conspiracy to
21 suppress and eliminate competition by fixing the price of polychloroprene rubber sold in the
22 United States and elsewhere. The combination and conspiracy engaged in by the defendant and
23 co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in
24 violation of Section 1 of the Sherman Act (15 U.S.C. § 1).
- 25 3. The charged combination and conspiracy consisted of a continuing agreement,
26 understanding, and concert of action among the defendant and co-conspirators, the substantial

1 term of which was to suppress and eliminate competition by fixing the price of polychloroprene
2 rubber in the United States and elsewhere.

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

- 6 (a) participating in conversations and meetings to discuss prices of polychloroprene
7 rubber to be sold in the United States and elsewhere;
- 8 (b) agreeing, during those conversations and meetings, to fix prices of
9 polychloroprene rubber to be sold in the United States and elsewhere;
- 10 (c) participating in conversations and attending meetings concerning implementation
11 of and adherence to the agreements reached;
- 12 (d) issuing price announcements and price quotations in accordance with the
13 agreements reached; and
- 14 (e) exchanging information on the sale of polychloroprene rubber in the United
15 States and elsewhere.

16 II.

17 DEFENDANT AND CO-CONSPIRATORS

18 5. The defendant is an entity organized and existing under the laws of Italy, with its
19 principal place of business in Milan, Italy. During the period covered by this Information, the
20 defendant was a corporation named Enichem S.p.A. On or about May 1, 2003, Enichem S.p.A.
21 changed its legal name to Syndial S.p.A. During the relevant period, the defendant engaged in
22 the business of producing and selling polychloroprene rubber in the United States and elsewhere.

23 6. Various corporations and individuals, not made defendants in this Information,
24 participated as co-conspirators in the offense charged herein and performed acts and made
25 statements in furtherance of it.

26 7. Whenever in this Information reference is made to any act, deed, or transaction of

1 any corporation, the allegation means that the corporation engaged in the act, deed, or
2 transaction by or through its officers, directors, employees, agents, or other representatives while
3 they were actively engaged in the management, direction, control, or transaction of its business
4 or affairs.

5 III.

6 TRADE AND COMMERCE

7 8. Polychloroprene rubber, also known as “chloroprene rubber,” “polychloroprene,”
8 “PCP,” or “butaclor,” is a specific type of synthetic rubber which has end-use applications in the
9 automotive, adhesives, and construction industries.

10 9. During the period covered by this Information, the defendant and co-conspirators
11 manufactured, sold, and distributed polychloroprene rubber in a continuous and uninterrupted
12 flow of interstate and foreign trade and commerce to customers located in states or countries
13 other than the states or countries in which the defendant and co-conspirators produced
14 polychloroprene rubber.

15 10. The business activities of the defendant and co-conspirators that are the subject of
16 this Information were within the flow of, and substantially affected, interstate trade and
17 commerce.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1 ///

2

3

IV.

4

JURISDICTION AND VENUE

5

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.

6

7

8

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

9

Dated: 4/26/05

10

11

_____/s/_____
R. Hewitt Pate
Assistant Attorney General

_____/s/_____
Phillip H. Warren
Chief, San Francisco Office

13

14

15

_____/s/_____
Scott D. Hammond
Deputy Assistant Attorney General

_____/s/_____
Niall E. Lynch
Assistant Chief, San Francisco Office

17

18

19

_____/s/_____
Marc Siegel
Director of Criminal Enforcement

_____/s/_____
Michael L. Scott
Lidia Spiroff
E. Kate Patchen
Attorneys

21

22

United States Department of Justice
Antitrust Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

United States Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660

23

24

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

_____/s/_____
Kevin V. Ryan
United States Attorney
Northern District of California