

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

BAYER AG,  
MONSANTO COMPANY, and  
BASF SE,

*Defendants.*

Civil Action No. 1:18-cv-01241 (JEB)

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF  
THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States, by the undersigned attorney, certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act (the “APPA” or “Tunney Act”), 15 U.S.C. §§ 16(b)-(h), and states:

1. The Complaint, proposed Final Judgment, and Stipulation and Order, by which the parties have agreed to the Court’s entry of the Final Judgment following compliance with the APPA, were filed with the Court on May 29, 2018. The United States also filed its Competitive Impact Statement with the Court on May 29, 2018.
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on June 13, 2018 (*see* 83 Fed. Reg. 27652).
3. Pursuant to 15 U.S.C. § 16(b), the United States furnished copies of the proposed Final Judgment and Competitive Impact Statement to anyone requesting them and

made both documents, along with the Complaint and Stipulation and Order, available on the Department of Justice Antitrust Division's website.

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, from June 5 through June 11, 2018, and in the *Saint Louis Post-Dispatch*, a newspaper of general circulation in the Eastern District of Missouri, on June 3, 4, 6, and 8-11, 2018.
5. As noted in the Competitive Impact Statement, there were no determinative materials or documents within the meaning of 15 U.S.C. § 16(b) that were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).
6. As required by 15 U.S.C. § 16(g), on June 8, 2018, each Defendant filed with the Court a description of communications by or on behalf of the Defendant, or any other person, with any officer or employee of the United States concerning or relevant to the proposed Final Judgment.
7. The 60-day comment period specified in 15 U.S.C. §§ 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on August 13, 2018.
8. The United States received 14 public comments on the proposed Final Judgment.
9. On January 29, 2019, the United States filed with the Court the 14 comments and its response. Pursuant to 15 U.S.C. § 16(d), and with the Court's authorization

(see the Court's Order of January 2, 2019), the United States posted on the Antitrust Division's website at <https://www.justice.gov/atr/case/us-v-bayer-ag-and-monsanto-company> the 14 comments and its response and, on February 4, 2019, the United States published in the *Federal Register* its response and the above location at which the 14 comments can be found (see 84 Fed. Reg. 1493).

10. The parties have satisfied all of the requirements of the APPA that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines that, pursuant to 15 U.S.C. § 16(e), entry of the Final Judgment is in the public interest.

Dated: February 4, 2019

Respectfully submitted,

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/s/

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