

**Antitrust Division
United States Department of Justice**

**Issuance of Public Statements
Upon Closing of Investigations**

The Antitrust Division, United States Department of Justice, on appropriate occasion may issue a public statement describing the reasons for closing an antitrust investigation. The issuance of any such statement will be based upon the following considerations:

- Antitrust analysis is complex;
- Best practice recommendations call for increased dissemination of rationales for enforcement and non-enforcement;
- Public dissemination of enforcement and non-enforcement rationales benefit businesses attempting to comply with complex antitrust standards and consumers through a better understanding of the antitrust laws; and
- Transparency of antitrust analysis helps international enforcers understand U.S. standards for antitrust enforcement, encourages international convergence on enforcement standards, and serves to prevent noncompetition issues from inappropriately influencing antitrust enforcement.

The Antitrust Division will consider issuing a public statement of its reasons for closing an antitrust investigation without taking enforcement action in the following circumstances and with the following considerations in mind:

- The Division will only consider issuing a statement if the investigation has previously been publicly confirmed by the Department;
- The Division will evaluate whether the matter has received substantial publicity. In general the more publicity that a matter has received the more likely it is that the Division will issue a statement; and
- The Division will evaluate the value to the public in receiving information regarding the reasons for non-enforcement (including public trust in the Department's enforcement, and the value of the analysis for other enforcers, businesses and consumers).

If the Division makes a determination to release a statement of reasons for non-enforcement it will adhere to the following steps:

- No confidential or privileged information will be disclosed, including information regarding internal deliberations or confidential investigative techniques;
- No non-public evidence or information will be disclosed that is protected by law;
- No disparaging characterizations of individuals or organizations will be included in the statement;
- The statement will include a disclaimer to the effect that enforcement decisions are made on a case by case basis and that the analysis and conclusions discussed in the statement are not binding on the Department in future matters; and
- The party or parties to the investigation will be informed that a statement will be released prior to its release.

For further information on Antitrust disclosure policy, contact the Director of Operations on (202) 514-3544.