

COMPARISON OF ANTICARTEL PENALTIES IN SELECT JURISDICTIONS

Country	What Is The Maximum Fine For Corporations?	What Products Included In Calculating Fine?	What Markets Included In Calculating Fine?	For What Time Period?	Individual Liability Imposed? What Is The Maximum Penalty?	Amnesty or Leniency Policy?
US	The largest of: (1) USD \$10 million; (2) twice the gross gain derived by the cartel members from the crime; <u>or</u> (3) twice the gross loss suffered by the crime victims	Limited to sales of products/services affected by violation (the “volume of affected commerce”)	U.S. commerce only, unless this grossly understates seriousness of firm’s role in offense, then worldwide sales	Duration of the cartel	Yes. 3 yrs imprisonment and a fine the greatest of: (1) USD \$350,000; (2) twice gross gain derived by the cartel members from the crime; <u>or</u> (3) twice the gross loss suffered by the crime victims	Yes
Canada	(1) Conspiracy (price fixing, market share, customer allocation) not to exceed CAD \$10 million (2) Bidrigging fine in discretion of the court	Limited to sales of products/services affected by violation	Canadian commerce only, unless this grossly understates seriousness of firm’s role in offense, then worldwide sales	Duration of the cartel	Yes. Conspiracy and bidrigging (1) same fines as for corporations, or (2) imprisonment for a term not exceeding 5 yrs., or (3) both	Yes
EU	10% of turnover for the company	“Turnover” means total sales of the company	Worldwide commerce	One preceding year	No	Yes
France	5% of turnover for the company, up to maximum of FF 10 million	“Turnover” means total sales of the company	French commerce only	One preceding year	Yes. 4 yrs imprisonment and a fine of FF 500,000	No
Germany	DM 1 million, plus up to 3 times the additional receipts	Limited to sales of products/services affected by violation	German commerce only	Duration of the cartel	Yes. DM 1 million, plus up to 3 times the additional receipts	No
Japan	Admin. Surcharge: 6% of the affected sales (3% for small companies)	Admin: Limited to sales of products/services affected by violation	Admin: Japanese commerce only	Admin: Duration of cartel, up to max. of 3 yrs.	Administrative: No.	No
	Criminal Fine: ¥100 million	Crim: No sentencing guidelines	Crim: No sentencing guidelines	Crim: Duration of Cartel	Criminal: Yes. 3 years imprisonment and ¥5 million	
UK <i>[draft to take effect 3/00]</i>	10% of turnover for the company, up to maximum of 3 yrs.	“Turnover” means total sales of the company	UK commerce only	Duration of cartel, up to max. of 3 yrs.	No	[Yes, as drafted]

Prepared by ICPAC staff (November 1999) based on “International Fines in Cartel Enforcement Matters - Comparison Table” prepared by U.S. Dept. of Justice, Antitrust Division, Office of Criminal Enforcement (Sept. 30, 1999).