Statement of Commissioner Maureen K. Ohlhausen Dissenting from the Commission's Decision Withdraw its Policy Statement on Monetary Equitable Remedies in Competition Cases July 31, 2012

I dissent from the majority's decision withdraw the Commission's 2003 Policy Statement on Monetary Equitable Remedies in Competition Cases ("Policy Statement").

The Policy Statement had a strong pedigrewas issued in 2003 through a 5-0

effect. This begs the questions why the ageneralds to rescind the Policy Statement now and why it should not perhaps be reviseather than rescinded altogether.

The guidance in the Policy Statement willreplaced by this view: "[T]he Commission withdraws the Policy Statement and will rely instead upon existing law, which provides