



## **SANCTIONS IN ANTITRUST CASES**

**-- United States --**

### **1. Introduction**

1. In U.S. federal competition law enforcement, sanctions are used almost exclusively against hard-core cartel activity, which is a crime. Companies are fined when criminally convicted of price fixing, bid rigging, customer allocation, or market allocation.<sup>1</sup>

2.

**2. Statutory Provisions**

6. A imposition of a sentence under U.S. law is governed by 18 U.S.C. §

13. Guideline 8C2.7 provides that the Base Fine is converted into the Sentencing Range through the

**5. Other Issues**

19. Nearly every international and major domestic U.S. cartel prosecution is accompanied by one or more private civil damages action. This has been true for many years. These actions secure substantial recoveries for victims of cartel activity and thus contribute significantly to cartel deterrence.

20. Disqualification of individuals has not been used as a sanction for cartel offenses in the United States, nor does the Division anticipate any substitution of individual disqualification for prison time.

employer. The Division does not believe that disqualification can have the deterrent effect that is now being achieved through prison terms. In addition, imposing the sanction of disqualification could entail costly monitoring.

21. Disqualification of companies from bidding in public procurement has been used in the United States as a sanction for cartel offenses. The Division normally does not make specific recommendations against debarment. The Division, however, sometimes requests that authorities with the power to debar consider several factors in exercising that power: cooperation with investigation and prosecution of the offense, including investigation and prosecution of co-conspirators, the payment of restitution, the need to incentivize early cooperation, and the effect of debarment on competition in the industry.