미 법무부 독점금지국에 의해 다루어진 글로벌 카르텔 사례에 대한 개관

A Brief Overview of the Global Cartel Cases Brought by the Antitrust Division, U.S. Department of Justice

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미 법무부의 독점금지국(the Antitrust Division of the U.S. Department of Justice)은, 지난달 제일제당과 두 일본기업이 미 독점금지법 위반을 인정하는데 동의했다고 발표하였다. 미 법무부 독점금지국은 미국 상거래에 영향을 주는 호전적 카르텔에 있어서는, 연루된 기업의 국적에 상관없이, 또한 그 기업이 미국 역내에 있느냐 역외에 있느냐를 불문하고 자국의 독점금지법을 일괄적으로 적용해 오고 있다. 따라서 이런 기업들은 미국 독점금지법하에서 벌금이나 심지어는 금고형으로부터 자유로울 수가 없는 것이 현실이다. 미 법무부의 독점금지국은 판사의 형 선고 재량권을 현저하게 약화시킨 형 선고에 관한 지침(United States Sentencing Guidelines), 그리고 카르텔 공동협력에 있어 공모에 대한 증거제공 및 공동행위를 신고한 기업에 대해 형량감경제도(Corporate Leniency Policy)를 효율적으로 운영함으로써 지난 몇 년간 미국 역외에서 발생한 공동행위에 대해 수많은 형사적 유죄판결을 받아내었다.

지난 수십년간 독점금지국은 가격고정, 입찰담합, 시장할당 그리고 셔먼법에 의해 당연위법으로 인정되는 경쟁자간의 합의에 관련된 기업들과 개인들에 대해 조사하고 형사적으로 소추해왔다. 이 모두는 불합리하게 거래를 제한하는 합의로 독점금지법에 의해 금지되는 행위들이다. 연방법은 현재 셔먼법 위반에 대한 벌칙으로 거래를 제한하는 공모에 합의함으로써 셔먼법을 위반한 기업에게는 최고 1,000만 달러, 개인에게는 최고 35만 달러의 벌금을 부과할 수 있으며 최장 3년간의 징역에 처해 질 수 있다고 규정하고 있다. 그러나 벌금액은 1987년의 형사벌금개선법(The Criminal Fines Improvements Act : 법원이 개인 및 기업에 대한 범죄에 의해 야기된 이익이나 손실의 두 배에 해당하는 금액 중 더 큰 금액을 선택적으로 부과할 수 있다는 규정)에 의해 극적으로 늘어나고 있다.

이 논고에서는 미 법무부 독점금지국이 글로벌 카르텔과의 전쟁을 성공적으로 수행하게 된 과정을 간략하게 검토하고, 그 과정에서 다루어진 중요한 사건 중 두 사례를 선정해서 고찰해 보기로 하겠다.

Last month's announcement from the Antitrust Division of the United States Department of Justice that Cheil Jedang Corporation and two Japanese firms had agreed to plead guilty to a criminal violation of U.S. antitrust law should remind Korean firms that merely remaining outside U.S. territory is not protection from fines and even imprisonment under U.S. antitrust law. The Antitrust Division aggressively pursues U.S. and non-U.S. firms alike in combating cartel activity that affects U.S. commerce. Aided by laws that force judges to impose strong sentences for criminal liability and a Corporate Leniency Policy that has been effective at leading corporations to confess to cartel activity and provide evidence about their co-conspirators, the Antitrust Division has obtained numerous criminal convictions in the last several years arising from conduct taking place entirely outside the U.S. This article will briefly discuss the developments that have made the Antitrust Division's global cartel initiative so successful, and examine two of the Antitrust Division's most significant cases.

For decades, the Antitrust Division has investigated and criminally prosecuted firms and individuals involved in price-fixing, bid-rigging, market allocation, and other agreements among competitors that are considered per se violations of Section 1 of the Sherman Antitrust Act, which prohibits agreements in unreasonable restraint of trade. Federal law prescribes substantial maximum penalties for criminal Sherman Act violations. Currently the maximum fine is $10 million for a corporation, and $350,000 for individuals, and the maximum term of imprisonment is three years. The fines, however, are subject to dramatic increase; pursuant to another criminal statute, antitrust law violators can be fined up to twice the gain they derived from their crime or twice the loss their victims suffered.

One can see how these twice-the-loss and twice-the-gain provisions could lead to enormous penalties for participants in global conspiracies. Until the 1990s, however, most criminal antitrust prosecutions in the U.S. involved local conspiracies — agreements, for instance, among road-building contractors in a state or even a metropolitan area to rig their bids on upcoming road-building projects. Such conspiracies, although unquestionably harmful to the economy, frequently involved somewhat small amounts of commerce, and were within the jurisdiction of the Justice Department only because the "interstate commerce" clause of the U.S. Constitution has been held to authorize the federal government to intervene even in localized commercial activity, where the impact on commerce among two or more states is only slight.

The penalties the Justice Department's Antitrust Division was able to obtain against convicted price-fixers often reflected the small nature of the conspiracies. Fines were frequently low enough to allow convicted

companies to treat as a mere cost of doing business. Prison sentences for convicted individuals, although authorized by the statute, were rarely imposed. In one famous case in the mid-1980s, a judge sentenced a convicted executive to organize a charity golf tournament. A frustrated Douglas Ginsburg, then the head of the Antitrust Division,[1] noted in a speech that the executive enjoyed his sentence so much he volunteered to organize the golf tournament again the following year.

The days of trivial fines and prison sentences for criminal antitrust violations were numbered with the creation of the United States Sentencing Commission and the subsequent issuance of the United States Sentencing Guidelines.[2] Issued in 1987 in an attempt to limit judicial discretion in sentencing and make sentencing consistent from one case to another, the Sentencing Guidelines impose a rigid set of criteria that require sentencing judges to consider and assign numeric values to particular factors, including, for antitrust violations, the amount of commerce affected, the defendant's role in the offense, acceptance of responsibility, and assistance to authorities. The application of the criteria lead the judges to very narrow permissible ranges of fines and sentences. Although the Guidelines have been very unpopular with judges and some prosecutors for limiting their ability to use their own judgment to address unique situations, the federal appellate courts have required trial courts to adhere strictly to the penalties mandated by the Guidelines. This has led to considerable concern with regard to some nonviolent narcotics distributors, who can face very harsh sentences with no consideration for extenuating circumstances. With regard to antitrust law, however, there has been far less concern. Indeed, there is a widespread sense that, since the Sentencing Guidelines were promulgated, the punishment for antitrust violations more often fits the crime.

At the same time, the Guidelines have limited the ability of prosecutors to engage in plea bargaining with defendants. Prior to the Guidelines' adoption, prosecutors had much more flexibility in agreeing with defendants on a particular sentence to recommend to the court in connection with a guilty plea. Now, any agreed sentence must be consistent with the Sentencing Guidelines, and prosecutors are forbidden from dropping any charges as part of the bargain.

In practice, though, the Antitrust Division still has some flexibility in negotiating pleas with potential defendants. Pursuant to

1) Not long afterwards, President Ronald Reagan nominated then-Assistant Attorney General Ginsburg to one of the most prestigious federal appellate courts, the United States Court of Appeals for the District of Columbia Circuit, where he is still an active judge.

2) A useful overview of the Sentencing Guidelines appears at http://www.ussc.gov/pdf/glovrwb.pdf

Federal Rule of Criminal Procedure 11(e)(1)(C), the government and a defendant may "agree that a specific sentence is the appropriate disposition of the case" and that the defendant may withdraw its plea if the Court rejects the agreement. The use of "C agreements," which may incorporate a sentence reflecting a "downward departure" from the range of penalties prescribed by the Sentencing Guidelines, can make plea agreement more palatable to potential defendants by narrowing the sentencing court's discretion even further than do the Guidelines. The Antitrust Division has used such agreements frequently in connection with non-U.S. corporations and individuals, since their willingness to submit themselvest to the jurisdiction of U.S. courts often will depend on what the likely outcome will be.

Another crucial factor in the Antitrust Division's success in detecting and punishing international cartels has been the Division's Corporate Leniency Policy. Viewable on the Division's website at http://www.usdoj.gov/atr/public/guidelines/lencorp.htm[3], the Leniency Policy, also known as the "Amnesty Program," offers a strong incentive for cartel participants to report their involvement to the Division and turn in their coconspirators. The Amnesty Program allows the first firm to notify the Antitrust Division of its involvement in a cartel in a particular industry to avoid prosecution, if the Division has not already opened an investigation into that area, the firm has ended its illegal conduct, and, to the extent possible, made restitution to the victims of its conduct. The Program has been spectacularly successful, forcing some companies into races to the Antitrust Division's offices, knowing that the runner-up would face punishment in accordance with the Sentencing Guidelines. The competition among cartel members to win amnesty from the Antitrust Division has placed the prosecutors in very strong bargaining positions, and allowed them to bargain very patiently and effectively, moving from one cartel participant to the next.

Another factor, however, has also been responsible for these greater fines and prison sentences: the Antitrust Division's shift in focus from the localized conduct to conspiracies of not merely national, but global scope. Aided by agreements with other competition law authorities to assist each other's investigations, and in some instances even to share investigative information, the Antitrust Division has aggressively pursued previously unimaginable agreements among the leading firms in global industries ranging

3) The Corporate Leniency Guidelines are also attached to a useful speech from 1998 by Gary R. Spratling, then the Antitrust Division's Deputy Assistant Attorney General for Criminal Enforcement. Mr. Spratling, who is now in private practice, was in charge of the Antitrust Division's criminal enforcement work from 1995 to 1999, and was a key factor in the development of the Antitrust Division's ability to take on global cartel behavior.

from food additives to art and antique auctions to fix prices and allocate markets. As of May 2001, about one third of the Antitrust Division's criminal investigations involved suspected international conspiracies. In the last several years, non-U.S. companies such as BASF AG, Akzo Nobel Chemicals BV, and Mitsubishi Corp. have agreed to pay fines of over $100 million each in connection with antitrust charges brought against them, and non-U.S. citizens have agreed to come to the United States to serve terms of imprisonment for their involvement in global conspiracies.

The Antitrust Division's international criminal prosecutions have led to convictions of firms from throughout the European Union, Canada, Mexico, and Japan, as well as the United States. Citizens of Switzerland, Germany, the Netherlands, the U.S., and Japan have agreed to jail sentences. Although no Korean citizen has gone to jail in the United States for any global antitrust conspiracy, Korean firms and citizens have not gone unscathed. Cheil Jedang, Ltd. has now entered guilty pleas in connection with two different conspiracies. In connection with the earlier of the two, Sewon's U.S. subsidiary and its president also pled guilty. In the remainder of this article, we will analyze this earlier case, the Antitrust Division's pathbreaking prosecution of collusion in global sales of the animal feed additive lysine.

The lysine cases prosecutions confronted a conspiracy among the world's leading producers of lysine to eliminate competition among them worldwide from June 1992 to June 27, 1995, the day that the FBI and Justice Department attorneys raided the offices of Archer Daniels Midland, the "agribusiness" giant and ringleader of the conspiracy, revealing the investigation's existence. The worldwide lysine market accounts for about $600 million in sales annually at the time of the case. The victims of the conspiracy, feed companies and large poultry and swine producers, used lysine to ensure proper livestock growth. According to the Informations, the documents in which the federal government charged the defendants, the conspirators held meetings and conversations to discuss lysine prices and volume levels in the United States and elsewhere.[4] Initially, the conspirators fixed lysine prices, but later they allocated sales volumes among themselves.[5] The conspirators followed up on their agreements by discussing prices and volumes actually sold, in order to monitor each other's compliance with the price-fixing and volume-allocation agreements.[6] According to the

4) See United States v. Ajinomoto Co., Inc., No. 96-CR 520 (N.D.Ill., information filed Aug. 27, 1996), 4(a), available at http://www.usdoj.gov/atr/cases /f0900/0918.htm. Oddly, the information bears a heading that suggests that it was filed in federal court in Washington, D.C., when in fact it was filed in Chicago..
5) Id., ¶¶ 2-3.

Antitrust Division, the conspiracy was highly effective, raising prices about 70 percent in its first three months.

Unlike most of the Division's prior criminal cases, this one arose from an investigation of a conspiracy while it was still underway. Traditionally, the Antitrust Division had opened investigations some time, frequently even years, after a conspiracy had worked its harm. Investigators had to piece together evidence as best they could from documents, price evidence, and the distant recollections of co-conspirators. Usually, the existence of investigations was well known, and subjects of the investigation would coordinate to minimize the chance that they would inadvertently incriminate each other. All too often, investigations failed for lack of evidence that, at that late date, would convince a jury beyond a reasonable doubt that the conspirators had fixed prices.

The lysine investigation, on the other hand, was in the midst of the conspiracy. It was carried out with an unusual degree of secrecy; even within the Antitrust Division's front office, only a few attorneys were aware of the investigation. The Antitrust Division was working with an informer, an executive of Archer Daniels Midland. That informer gave the investigators access to the conspiracy's inner circle, allowing the government to obtain deeply incriminating audio and video evidence of the conspirators' meetings. In addition, the investigation saw the Antitrust Division attorneys cooperating closely with the Federal Bureau of Investigation and the Office of the United States Attorney for the Northern District of Illinois, the local prosecutor for general federal crimes. This cooperation gave the Antitrust Division access to investigative resources that it ordinarily lacks. Historically, the FBI's attitude towards antitrust investigations has ranged between apathy and hostility, largely because of the after-the-fact nature of most such investigations. This investigation, in contrast, called on all the FBI's strengths in gathering information from a conspiracy while it is underway. Similarly, the U.S. Attorney's Office has a long history of spectacularly successful covert investigations of corruption and fraud in the Chicago area, and brought its skills from those investigations to bear on the work of Archer Daniels Midland and its competitors in dividing up the international market for lysine, as well as the global market for citric acid.

Fourteen months after the raid on Archer Daniels Midland, three firms pled guilty to participating in the conspiracy with ADM: Ajinomoto Co., Inc. and Kyowa Hakko Kogyo Co. Ltd. of Japan, and Sewon America, Inc. Also pleading guilty were one executive of each of the firms, including Johm Su Kim,

6) Id., ¶ 4.

Sewon America's president. The two Japanese firms agreed to pay fines of $10 million each; Sewon America agreed to a fine of whatever amount the court determined that it could afford. The court ultimately fined Sewon America $328,000. None of the three individual defendants was sentenced to prison; Kim and the Ajinomoto executive each agreed to fines of $75,000, and the Kyowa Hakko Kogyo executive agreed to a fine of $50,000. All six defendants agreed to cooperate with the investigation, and had already begun to do so by the time their plea agreements were announced.[7]

That cooperation was "highly significant in advancing the Department's investigation," said Gary R. Spratling, then the Antitrust Division's top criminal prosecutor, just two months later, when ADM agreed to plead guilty to both the lysine and citric acid conspiracies. ADM agreed to a fine amounting to a stunning total of $100 million, by far the largest antitrust fine ever. Of the total, $70 million was attributable to the lysine conspiracy. Spratling credited ADM's plea at least in part to the other firms' cooperation.

Finally, on December 3, 1996, the remaining defendants were charged. Cheil Jedang, Ltd. agreed to plead guilty to the lysine conspiracy and pay a fine of $1.25 million. Separately, a federal grand jury indicted four industry executives: Michael Andreas, ADM's Executive Vice President; Terrance Wilson, ex-president of ADM's Corn Products Division; Mark Whitacre, ex-president of ADM's BioProducts Division, and the Government's principal informant; and Kazutoshi Yamada, Ajinomoto's Managing Director. Mr. Yamada, a Japanese citizen, never answered to the charges and remains a fugitive. The three ADM executives were convicted after a trial. Ironically, Mr. Whitacre, the government informant, received a harsher sentence than the other two; he was sentenced to 30 months of prison, whereas Andreas and Wilson each received a term of 24 months. That Mr. Whitacre was prosecuted at all was unusual. Ordinarily, he would have had the benefit of a promise from the government not to prosecute him in connection with the matter. However, Mr. Whitacre evidently violated his agreement with the government by embezzling ADM funds. This misconduct, which made Whitacre worthless as a government witness, canceled the government's obligation not to prosecute him, and he found himself as a fellow defendant with the ADM executives on whom he had informed.[8] Andreas and Wilson appealed from their convictions, only to find

7) See U.S. Department of Justice Press Release, August 27, 1996, available at http://www.usdoj.gov/atr/public/press_releases/1996/411at.htm.

8) A deeply interesting account of Mr. Whitacre and the government's investigation is in Kurt Eichenwald's recent book The Informant. The first chapter of Mr. Eichenwald's book is available for reading at bn.com.

themselves worse off for their efforts. The Court of Appeals affirmed their convictions, rejecting their arguments that agreements between the companies allocating production volume were not per se violations of the Sherman Act, and holding that they should have received harsher sentences. Thereafter, the trial court increased their sentences. Andreas received 36 months instead of 24, and Wilson's 24 months were increased to 33.

Few could have imagined at the time of ADM's guilty plea that its record-breaking $100 million fine would soon be dwarfed by other criminal penalties. But just two years later, the Antitrust Division revealed its investigation into a vast cartel among makers of vitamins; before long, it had won guilty pleas from firms in the U.S., Japan, Germany, and Switzerland. BASF AG agreed to plead guilty and pay a fine of $225 million; the Swiss firm Hoffman-LaRoche agreed to a fine of $500 million for its involvement. All told, the vitamin investigation has yielded fines approaching $1 billion and prison sentences totaling more than 6 years. Most notably, three Hoffman-LaRoche executives, all Swiss, and three BASF executives, one Swiss and two German, agreed not only to plead guilty and pay fines, but to come to the United States to serve prison sentences of several months.

Even more recently, executives from the Netherlands and Japan have agreed to serve prison sentences in the United States in connection with newly emerging investigations involving cartels in monochloroacetic acid and isostatic graphite, respectively.[9] Along with an investigation into collusion among carbon cathode block makers, these investigations may be the source of many more prosecutions of firms and their responsible executives. The unhappy recent experiences of Cheil Jedang and Ajinomoto in the nucleotides case point up that the same firm may have exposure in many different markets, whether due to a corporate policy or misguided executives or employees. The Antitrust Division's Leniency Policy makes it well worthwhile for a firm to do a complete audit of its antitrust liability and consider coming forward quickly with an offer of cooperation to the Antitrust Division. In doing so, it can minimize its exposure to ever-harsher criminal sanctions, while helping ensure that its fellow conspirators will also be accountable both to the prosecutors and to their victims.

9) As it turned out, the Court sentenced the Japanese executive, Takeshi Takagi, Director and General Manager of the International Division or Director, Corporate Planning of Toyo Tanso Company, Ltd. to only a term of probation and a $10,000 fine. The Antitrust Division had recommended that the court depart from the Sentencing Guidelines and give Takagi a prison sentence of zero to three months, well below what the Sentencing Guidelines mandated, especially because Takagis assistance had helped make possible the conviction of Mitsubishi Corp. for its participation in the graphite electrodes cartel.

■ DOJ International Criminal Cases

Product	Defendant	Date	Fine	Months of Prison	Nationality	Affiliation
Graphite Electrodes	Schwegler	2000	Indicted	Japan	SGLAG	UCAR exec
Marine Construction	Dockwise, N.V.	1997	$15,000,000		Belgium	
Vitamins	Chinook Group Ltd.	1999	$5,000,000		Canada	
Isostatic Graphite	Conigilio	2000	$100,000		France	
Sodium Gluconate	Dufour	1997	$50,000		France	
Sodium Gluconate	Roquette Freres	1997	$2,500,000		France	
Vitamins	BASF AG	1999	$225,000,000		Germany	Vitamin C
Vitamins	Degussa-Hüls AG	2000	$13,000,000		Germany	Vitamin B3
Citric acid	Hartmann	1997	$150,000		Germany	
Sorbates	Hoechst AG	1999	$36,000,000		Germany	
Graphite Electrodes	Koehler	1999	$10,000,000		Germany	
Vitamins	Merck KgaA	2000	$14,000,000		Germany	Vitamin C
USAID Construction	Philipp Hozmann AG	2000	$30,000,000		Germany	bid rigging
Sorbates	Romahn	1999	$250,000		Germany	
Graphite Electrodes	SGL Carbon AG	1999	$135,000,000		Germany	
Vitamins	Steinmetz	2000	$125,000	3.5	Germany	BASF exec
Vitamins	Strotman	2000	$75,000	3	Germany	BASF exec
Citric acid	Kluzer	1998	$40,000		Italy	
Marine Construction	Oliveri	1999			Italy	
Nucleotides	Ajinomoto Co. Inc.	2001	$6,000,000		Japan	Conspiracy as early as 7/92 until at least 3/96
Lysine	Ajinomoto, Inc.	1996	$10,000,000		Japan	
Magnetic iron oxide particles	Akizawa	2002	Indicted		Japan	ISK Japan president
Nucleotides	Daesang Japan Inc.	2001	$90,000		Japan	
Sorbates	Daicel	2000	$53,000,000		Japan	
Vitamins	Daiichi Pharmaceutical	1999	$25,000,000		Japan	
Vitamins	Easai Co., Ltd.	1999	$40,000,000		Japan	
Isostatic Graphite	Endo	2001	indicted		Japan	Ibiden Chairman
Sodium Gluconate	Fujisawa Pharmaceutical Co., Ltd.	1998	$20,000,000		Japan	
Isostatic Graphite	Hashimoto	2001	indicted		Japan	Ibiden exec
Sorbates	Hayashi				Japan	Ueno exec
Isostatic Graphite	Ibiden Co., Ltd.	2001	$3,600,000		Japan	
Sorbates	Ikeda		indicted		Japan	Daicel exec
Magnetic iron oxide particles	Ishihara Sangyo Kaisha Ltd.	2001	Indicted		Japan	
Sorbates	Ito	1999	$350,000		Japan	
Sorbates	Kanai		indicted		Japan	Daicel exec
Sorbates	Katsuyama				Japan	Ueno exec
Magnetic iron oxide particles	Kinoshita	2003	Indicted		Japan	ISK Japan exec

Product	Defendant	Date	Fine	Months of Prison	Nationality	Affiliation
Sorbates	Komatsu				Japan	Ueno exec
Lysine	Kyowa Hakko Kogyo Co. Ltd.	1996	$10,000,000		Japan	
Lysine	Mimoto	1996	$75,000		Japan	Ajinimoto exec
Graphite Electrodes	Mitsubishi Corp.	2001	$134,000,000		Japan	aiding & abetting -- it traded in the price-fixed electrodes & had 50% share of UCAR --convicted at trial, agreed fine
Sorbates	Miyasaka		indicted		Japan	Daicel exec
Sodium Gluconate	Nakao	1998	$200,000		Japan	
Graphite Electrodes	Nippon Carbon Co., Ltd.	1999	$2,500,000		Japan	
Sorbates Graphite	Nippon Gohsei	1999	$21,000,000		Japan	
Electrodes	SEC Corp.	1999	$4,800,000		Japan	
Sorbates	Shinoda				Japan	Ueno exec
Isostatic Graphite	Takagi	2001	$10,000	0	Japan	Agreed to face jail time as part of guilty plea
Vitamins	Takeda Chemical Industries, Ltd.	1999	$72,000,000		Japan	Vitamin C
Nucleotides	Tanabe	2001	indicted		Japan	Ajinomoto exec
Graphite Electrodes	Tokai Carbon Co., Ltd.	1999	$6,000,000		Japan	
Magnetic iron oxide particles	Tsujimura	2004	Indicted		Japan	ISK Japan exec
Sorbates	Ueno Fine Chemicals Industry Ltd.	2001	$11,000,000		Japan	
Lysine	Yamada			fugitive	Japan	Ajinimoto mg dir
Lysine	Yamamoto	1996	$50,000		Japan	Kyowa Kakko Kogyo exec
Isostatic Graphite	Yasuda	2001	indicted		Japan	Ibiden exec
Graphite Electrodes	Showa Denko Carbon, Inc.	1998	$32,500,000		US sub of Japan parent	
Nucleotides	Cheil Jedang Corp.	2001	$3,000,000		Korea	
Lysine	Cheil Jedang, Ltd.	1996	$1,250,000		Korea	guilty plea
Lysine	Kim	1996	$75,000		Korea	Sewon America pres
Vitamins	Felix	1999			Mexico	
Monochloro-acetic acid	Akzo Nobel Chemicals BV	2001	$12,000,000		Netherlands	First case, ongoing
Sodium Gluconate	Akzo Nobel Chemicals BV & Glucona BV	1997	$10,000,000		Netherlands	
Monochloro-acetic acid	Broström	2001	$20,000	3	Netherlands	
Citric acid	Cerestar Bioproducts BV	1998	$400,000		Netherlands	
Marine Construction	de Jong	1997	$75,000		Netherlands	
Marine Construction	HeereMac, v.o.f.	1997	$49,000,000		Netherlands	
Marine Construction	Meek	1997	$100,000		Netherlands	
Sodium Gluconate	Nederveen	1997	$100,000		Netherlands	
Marine Construction	van der Zwan	1997	$150,000		Netherlands	
Sodium Gluconate	Van Eekhout	1997	$100,000		Netherlands	
USAID Construction	ABB Middle East & Africa Participations AG	2001	$53,000,000		Switzerland	bid rigging

Product	Defendant	Date	Fine	Months of Prison	Nationality	Affiliation
Citric acid	Bichlbauer	1997	$150,000		Switzerland	
Vitamins	Brönnimann		$150,000	5	Switzerland	Hoffman-LaRoche exec
Citric acid	Haas	1997	$150,000		Switzerland	
Vitamins	Hauri	2000	$350,000	4	Switzerland	Hoffman-LaRoche exec
Citric acid	Hoffman-LaRoche	1997	$14,000,000		Switzerland	Vitamin C
Vitamins	Hoffman-LaRoche	1999	$500,000,000		Switzerland	
Citric acid	Jungbunzlauer International AG	1997	$11,000,000		Switzerland	
Vitamins	Lonza AG	1998	$10,500,000		Switzerland	
Vitamins	Sommer	1999	$100,000	4	Switzerland	Hoffman-LaRoche exec
Vitamins	Suter	2000	$75,000	3	Switzerland	BASF exec
Citric acid	ADM Co.	1996	$30,000,000		US	
Lysine	ADM Co.	1996	$70,000,000		US	
USAID Construction	American International Contractors Inc.	2000	$4,200,000		US	bid rigging
Carbon cathode block	Anchor Industrial Products	2001	$600,000		US	meetings in Asia and Europe
Lysine	Andreas	1996	$350,000	36	US	
Isostatic Graphite	Carbone of America Industries Corp.	2000	$7,150,000		US	
Sorbates	Eastman Chemical Co.	1998	$11,000,000		US	
Vitamins	Fischer	1999	$20,000	8	US	
Graphite Electrodes	Hart	1999	$1,000,000	9	US	UCAR exec
Vitamins	Hilling	1999	$20,000	12	US	
Vitamins	Kennedy	1999	$20,000	12	US	
Graphite Electrodes	Krass	1999	$1,250,000	17	US	UCAR exec
Vitamins	Nepera	2000	$4,000,000		US	Vitamin B3
Vitamins	Noack	2000	$50,000	8	US	Nepera exec
Vitamins	Purpi	2000	$100,000	12 + 1 day	US	Nepera exec
Vitamins	Reilly Industries	2000	$2,000,000		US	Vitamin B3
Vitamins	Samuelson	1999			US	
Auctions	Sotheby's Holdings Inc.	2000	$45,000,000		US	
Graphite Electrodes	UCAR International, Inc.	1998	$110,000,000		US	
Lysine	Whitacre	1996		30	US	
Lysine	Wilson	1996	$350,000	33	US	
Citric acid	Haarmann & Reimer Corp.	1997	$50,000,000		US sub of Bayer AG (Germany)	
Marine Construction	Dockwise U.S.A. Inc.	1997	$1,000,000		US sub of Belgium parent	
Marine Construction	Walker	1999			US sub of Belgium parent	
Isostatic Graphite	Toyo Tanso USA Inc.	2001	$4,500,000		US sub of Japanese parent	
Lysine	Sewon America, Inc.	1996	$328,000		US sub of Korean parent	
Auctions	Brooks	2000	TBD		US	Sotheby's exec
Magnetic iron oxide particles	Girvin	1999			US	
Maximum fines		10 million, subject to increase to twice the gane or loss 350000 for dividuals, subject to increase 3 years				