

# *Civil & Criminal Competition Enforcement*

## *A U.S. Perspective*

**Chile Competition Day**

**17 November 2016**



# Criminal Prosecution in the U.S.

- Only “hard core” cartels pursued criminally: price fixing, bid-rigging, and allocation agreements
- Bright lines between civil and criminal conduct give clear notice and prevent chilling of pro-competitive conduct
- Severity of criminal sanctions make criminal prosecution inappropriate for:
  - “Gray conduct” (e.g. information exchanges)
  - Non-hardcore, per se conduct
- Will not enter into civil resolutions of criminal conduct



# Criminal & Civil Settlements

- Significant benefits and efficiencies for courts and parties:
  - Time and expense savings by avoiding trial
  - Frees resources for more productive uses
  - Speeds investigations
  - Cooperation from pleading defendants
  - Certainty and finality of the resolution

