

Contents

<i>Preface</i>	vii
1. Introduction	1
2. Criminalisation of cartel activity: economics and law	12
Introduction	12
Cartels: formation, frequency and harm	18
Stigler – a theory of oligopoly and the incentive problem	18
The extent of cartelisation, and the duration of cartels	25
Cartelisation and harm	27
Optimal deterrence	28
Crime, punishment, and Becker	30
Compliance	33
Corporate liability and fines	39
Personal liability and incarceration	40
Leniency	46
Support for criminalisation in the UK	49
Conclusion	52
3. Criminalisation in the United States	55
Introduction	55
The development of the offence	57
The felony	62
Price-fixing and bid-rigging	64
Market sharing and customer allocation	67
The experience of enforcement in the United States	69
Early case law	69
Heavy electrical equipment	71
The modern cases	74
Investigation	76
Preliminary investigation	77
Grand jury proceedings	79
Criminal suits	84

Enforcement and punishment	88
Sentencing guidelines	92
Leniency	92
Plea agreements	98
The success of the US policy	105
4. Criminalisation in the UK: the Cartel Offence	107
Introduction	107
The Offence	108
'Dishonesty'	113
The relationship between UK and EU competition law	121
Investigation	127
Territoriality	130
Trial and punishment	132
Disclosure	135
Leniency	145
Plea bargaining	151
Case law and practice to date	153
<i>R v Burns and others (British Airways)</i>	153
The 2011 consultation and response	160
5. Criminalisation in Ireland	166
Introduction	166
Criminal competition law in Ireland	168
The legislative framework	169
Enforcement	175
Case history	178
Conclusion	186
6. Case studies	188
Introduction	188
<i>Lysine</i>	189
<i>Vitamins</i>	195
<i>Marine Hose</i>	202
Action in the UK – <i>R v Whittle, Allison and Brammar</i>	212
7. Conclusion	215
<i>Bibliography</i>	225
<i>Index</i>	235