



Competition & Price Fixing

"Clearly ahead in this niche area ... wins praise across the market for its assured handling of [cartel matters]" (Chambers UK)

The Enterprise Act 2002 created a specific criminal offence of cartel behaviour, which includes price fixing, limiting supplies or production, bid-rigging and market-sharing arrangements. The offence carries a maximum sentence of five years' imprisonment and the first convictions under the Act have resulted in prison sentences. The risk of personal criminal liability for directors and employees involved in cartel behaviour now means that it is vital that specialist, and independent, criminal law advice is obtained at the very earliest opportunity.

This is particularly so as the Enterprise Act also contains the first statutory immunity provision to be introduced into the law of England and Wales. It confers on the Office of Fair Trading the power to grant criminal immunity to individuals "for the purposes of the investigation or prosecution of offences" and operates alongside the OFT's leniency policy for organisations. These provisions together are designed to encourage individuals and organisations involved in cartel behaviour to approach the OFT at the earliest opportunity to offer co-operation and assistance.

Many cartels will also have an international element with investigations pursued in more than one country; the United States Department of Justice is particularly prominent in the investigation of international cartels. It is therefore also vital that foreign law and extradition advice is obtained and that lawyers in the various jurisdictions liaise to ensure that a co-ordinated strategy is adopted.

Our experience gained over many years in most of the major business crime cases means that we are well placed to deal with the world of OFT criminal investigations. Our cartel defence practice, and our wider business crime and regulation practice, frequently involves an international dimension and we are experienced in extradition matters and in working with and co-ordinating teams of foreign lawyers.

" 'phenomenally impressive' team"

(The Legal 500)

"one of the largest high-end players in a number of areas ... a team to aspire to"

(Chambers UK)

BCL Solicitors LLP
Solicitors

51 Lincoln's Inn Fields
London WC2A 3LZ

DX 37981 Kingsway
Tel +44 (0)20 7430 2277
Fax +44 (0)20 7430 1101

