

CLIENT ALERT

Antitrust Division Announces First Extradition on Antitrust Charge

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The Antitrust Division of the U.S. Department of Justice has for the first time successfully extradited a foreign national to stand trial for antitrust crimes in the United States. While the Division has long expressed its intention to enforce antitrust laws against foreign executives – and has concluded dozens of plea agreements with foreign nationals who submitted to U.S. jurisdiction in exchange for lighter sentences – this development demonstrates the agency's willingness to pursue extraterritorial enforcement of U.S. antitrust law through litigation. It also shows that increased collaboration with foreign competition authorities – and increasing criminalization of anticompetitive conduct abroad – is paying off for the Antitrust Division.

According to a DOJ [press release](#), Romano Piscioti, an Italian national and former executive with Parker ITR Srl, engaged in bid-rigging, price-fixing, and market allocation for sales of marine hose in the United States and elsewhere. The Division filed a one-count indictment in August 2010, and Piscioti was arrested in Germany in June 2013. He arrived in the Southern District of Florida on April 3, 2014, and was scheduled to make his initial appearance in court today.

Although the Division did not specify in its press release the basis for the extradition, the United States and Germany have had a mutual extradition treaty in place since 1980. The treaty provides – as most extradition treaties do – that Germany will extradite individuals to the United States only if its own laws would provide for the punishment of an "offense committed in similar circumstances." Under German law, an individual who engages in bid-rigging may be sentenced to up to five years in prison.

In the past, the Division has encountered obstacles in extraditing foreign nationals for antitrust crimes, particularly because in many jurisdictions, antitrust conduct is – or was, until recently – considered a civil violation rather than a criminal one. In 2009, the Division sought to extradite Ian Norris, a UK national, for his participation in a carbon products cartel. Norris avoided extradition for price-fixing, because the conduct was not illegal in the UK until 2003 (after his alleged participation in the cartel ended). Ultimately, Norris was extradited on a separate charge of obstruction, which was a crime in both jurisdictions.

The Division has long engaged in efforts to encourage foreign regimes to criminalize antitrust violations, and has also publicized its resolve to pursue the extradition of foreign nationals who do not submit willingly to U.S. jurisdiction. Today's announcement marks an important milestone in the Division's continuing efforts to prosecute anticompetitive conduct that affects U.S. commerce – wherever it occurs.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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