

PREFACE

This first edition of the *International Antitrust Cartel Handbook* is a vital reference for both new and experienced antitrust practitioners navigating the increasingly complex global cartel enforcement environment. Globalization is the overarching theme of modern cartel enforcement. Many jurisdictions have granted their competition authorities broad jurisdictional reach and provided them with aggressive investigative tools, such as wiretap authority and compulsory process. There is also a burgeoning movement to criminalize cartel activity in places where it has previously been regarded as wholly or principally a civil or administrative matter. And the global proliferation of leniency programs continues to radically destabilize cartels, creating powerful incentives for institutions to turn against their co-conspirators.

In this constantly evolving and ever more crowded regulatory environment, the United States remains among the world's leading jurisdictions for cartel enforcement. Cartel enforcement in the United States has remained a priority regardless of changes in administration or in the leadership of the Department of Justice's Antitrust Division. The Division's efforts continue to be marked by transparency in policy and predictability in results, themes that both fit with traditional notions of due process and create the kind of environment in which the Division's Leniency Program functions best. In its dealings with its partners abroad, the Division continues to try to lead by example and advocate its policy views while remaining cognizant of the comity considerations that are essential to what is increasingly a cooperative regime of global cartel enforcement.

The *International Antitrust Cartel Handbook* brings together leading cartel practitioners from around the world to address the critical issues that arise throughout the lifecycle of a cartel investigation and prosecution. The contributing drafters boast substantial experience with cartel investigations and many have served in senior positions in government. They know both what the law says and how it is actually enforced, and we think you will find their comprehensive and practical guidance invaluable. The Handbook seeks to provide both breadth of coverage and analytical

depth suitable for a wide range of practitioners, including everyone from those who may find themselves on the front line of a government inquiry or internal investigation; to those awaiting their day in court to contest a criminal indictment; to those simply preparing to counsel a client on the basic “do’s and don’ts” of engaging with competitors.

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