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Antitrust Division Announces New Policy to Incentivize Corporate Compliance

During remarks today, Assistant Attorney General Makan Delrahim announced the Antitrust Division's new policy for incentivizing antitrust compliance. For the first time, the Division will consider compliance at the charging stage in criminal antitrust investigations, a change which is reflected in the Justice Manual. The Division also announced revisions to its Manual and published a document to guide prosecutors' evaluation of corporate compliance programs at the charging and sentencing stage.

"The Antitrust Division is committed to rewarding corporate efforts to invest in and instill a culture of compliance," said Assistant Attorney General Delrahim. "The Division's Leniency Policy has long provided the ultimate credit for effective antitrust compliance programs. Beyond leniency, recently we have credited prospective compliance efforts at sentencing. Crediting compliance at charging is the next step in our continued efforts to deter antitrust violations and reward good corporate citizenship. We also remain dedicated to predictability and transparency. As such, in concert with today's policy changes, the Division issued a public guidance document that outlines what prosecutors look for when evaluating antitrust compliance programs."

The Justice Manual previously explained the Antitrust Division's policy "that credit should not be given at the charging stage for a compliance program." That text has been deleted.

The Division also updated its Manual. The revisions address evaluating compliance programs at the charging and sentencing stage, and Division processes for recommending indictments, plea agreements, and selecting monitors.

For the first time, the Division also published a guidance document that focuses on evaluating compliance programs in the context of criminal violations of the Sherman Act. It is intended to assist Division prosecutors in their evaluation of compliance programs at both the charging and sentencing stage of investigations, and to provide compliance officers and the public greater transparency of the Division's compliance analysis. To that end, it contains two sections: the first relates to evaluating antitrust compliance programs at the charging stage, and the second addresses compliance considerations at sentencing.

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