



Department of Justice

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ALL NIPPON AIRWAYS CO. LTD. AGREES TO PLEAD GUILTY TO PRICE FIXING ON AIR CARGO AND AIR PASSENGER SERVICES

Company Agrees to Pay \$73 Million Criminal Fine

WASHINGTON – All Nippon Airways Co. Ltd. (ANA) has agreed to plead guilty and to pay a \$73 million criminal fine for its role in two separate conspiracies to fix prices in the air transportation industry, the Department of Justice announced today.

According to a two-count felony charge filed today in U.S. District Court for the District of Columbia, Japan-based ANA engaged in a conspiracy to fix one or more components of cargo rates charged for international air cargo shipments from at least as early as April 1, 2000, until at least Feb. 14, 2006. ANA is also charged with engaging in a conspiracy to fix unpublished passenger fares on tickets purchased in the United States from at least as early as April 1, 2000, until at least April 1, 2004. Under the plea agreement, which is subject to court approval, ANA has also agreed to cooperate with the department's ongoing antitrust investigation.

ANA transports a variety of cargo shipments, such as heavy equipment, perishable commodities and consumer goods, on scheduled international flights, including to and from the United States. ANA also transports passengers on scheduled flights within Japan and internationally, including to and from the United States. ANA typically offered unpublished passenger fares to travel agents for purchase by certain consumers.

According to the charges, ANA carried out the conspiracies by agreeing during meetings and other communications on certain components of the cargo rates to be charged for shipments on routes between the United States and Japan, and on unpublished passenger fares to be charged on tickets purchased in the United States. As part of the conspiracies, ANA levied cargo rates and unpublished passenger fares in accordance with the agreements reached, and monitored and enforced adherence to the agreed-upon cargo rates and unpublished passenger fares.

ANA is charged with two counts of price fixing in violation of the Sherman Act, which carries a maximum fine for corporations of \$100 million for each violation committed after June 22, 2004, and \$10 million for violations committed before that date. The maximum fine for each count may be increased to twice the gain derived from the crime or twice the loss suffered by the victims of the crime, if either of those amounts is greater than the statutory maximum fine.

Including today's charge, as a result of this investigation, a total of 19 airlines and 14 executives have been charged in the Justice Department's ongoing investigation into price fixing in the air transportation industry. To date, more than \$1.6 billion in criminal fines have been obtained and four executives have been sentenced to serve prison time. Charges are pending against the remaining 10 executives.

Today's charge is the result of a joint investigation into the air transportation industry being conducted by the Antitrust Division's National Criminal Enforcement Section, the FBI's Washington Field Office, the Department of Transportation's Office of Inspector General and the U.S. Postal Service's Office of Inspector General. Anyone with information concerning price fixing or other anticompetitive conduct in the air transportation industry is urged to call the Antitrust Division's National Criminal Enforcement Section at 202-307-6694 or visit www.justice.gov/atr/contact/newcase.htm, or call the FBI's Washington Field Office at 202-278-2000.

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