This chapter discusses cartel offence, contained in Part 6 of the Enterprise Act 2002 (EA), and in particular section 188, which made it a criminal offence to engage in cartel activity implemented in the UK. It applies to horizontal price fixing, market sharing, bid rigging, and production limitation agreements. Individuals can be prosecuted and may face imprisonment and/or individual fines. In its original formulation, the cartel offence had limited success. In 2013, the Enterprise and Regulatory Reform Act 2013 (ERRA) introduced three important modifications to section 188 of the EA: it removed the requirement that the conduct be ‘dishonest’; it added a section 188A with a list of exclusions, or circumstances under which engaging in a cartel would not be ‘criminal’ and it included, in new section 188B, possible defences.
12. The cartel offence

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