

FEDERAL COURT COUR FÉDÉRALE	
FILED	APR 6 2005
CLAUDE BEAULIEU	
OTTAWA, ON	-/-

BETWEEN

HER MAJESTY THE QUEEN

-and-

NIPPON CARBON CO., LTD.

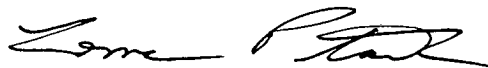
Accused

INDICTMENT

THE ACCUSED stands charged:

THAT it did between approximately May 1992 and June 1997 aid and abet SGL Canada Inc. and UCAR ~~Canada~~ Inc. in the commission of an offence contrary to subsection 46(1) of the *Competition Act*, R.S. 1985, c. C-34, as amended, in that the said SGL Canada Inc. and UCAR ~~Canada~~ Inc. did implement in Canada directives or communications from SGL Carbon AG and UCAR International Inc., respectively, for the purpose of giving effect to a conspiracy entered into outside of Canada between SGL Carbon AG, UCAR International Inc., Showa Denko KK, SEC Corporation, Tokai Carbon Co., Ltd., VAW Carbon GmbH and the accused and persons known and unknown, to prevent or lessen, unduly, competition in the purchase, barter, sale or supply of a product, to wit: graphite electrodes, by entering into and maintaining membership in the said conspiracy and abiding by the tenets and terms thereof, contrary to section 21(1) of the *Criminal Code* R.S.C. 1985, c. C-46 as amended.

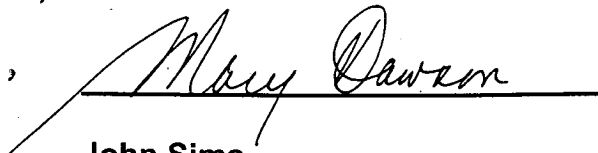
Dated at Gatineau, Quebec, this 15th day of March, 2005.



Lorne Ptack
For the Attorney General of Canada

I hereby consent to the preferment of this Indictment pursuant to section 577 of the *Criminal Code*, R.S.C. 1985 c.C-46 (as amended).

Dated at Ottawa, Ontario, this 1st day of April, 2005.



John Sims
Deputy Attorney General of Canada