

FEDERAL COURT OF CANADA
(TRIAL DIVISION)

File: T-24-01

IN THE MATTER OF section 46 of the
Competition Act, R.S.C. 1985, c.C-34 (as amended)

FEDERAL COURT OF CANADA
COUR FÉDÉRALE DU CANADA

BETWEEN

HER MAJESTY THE QUEEN

-and-

TOKAI CARBON CO., LTD.

Received at Hearing
Filed Reçu à l'Audition
Place Vancouver BC
Date FEB 05 2001
Reg. [Signature] #1

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 offences contrary to section 46 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, Nippon Carbon Co., Ltd., VAW AG (now ^{Carbon} Erftcarbon GmbH & Co. Kg.) and the accused and persons known and unknown, to prevent or lessen, unduly, competition in the purchase, barter, sale or supply of a product, graphite electrodes, by entering into and maintaining membership in the said conspiracy and abiding by the tenets and terms thereof, contrary to section 46 of the *Competition Act*.

Dated at Ottawa, this 5th day of January, 2001.

Maurice Lapointe for
William J. Miller
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, this 9th day of January, 2001.

Morris Rosenberg / JAN 9 2001
Morris Rosenberg
Deputy Attorney General of Canada