

IN THE FEDERAL COURT OF CANADA

BETWEEN

HER MAJESTY THE QUEEN

- and -

VAW Carbon GmbH

Accused

INDICTMENT

FEDERAL COURT COUR FÉDÉRALE	
FILED	SEP 15 2004
B. LABELLE	
OTTAWA, ON	/
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THE ACCUSED, VAW Carbon GmbH, stands charged:

THAT IT DID, in the years 1996 and 1997, the exact dates being unknown, in Canada and elsewhere, with Nippon Electrode Company, Ltd., Hepworth Refractories Inc. and certain other producers of carbon cathode block commit an offence contrary to section 45(1)(c) of the *Competition Act*, R.S. 1985, c.C-34, as amended, in that the said VAW Carbon GmbH, Nippon Electrode Company, Ltd. Hepworth Refractories Inc. and certain other producers did unlawfully conspire, combine, agree or arrange with, the one with the other or others of them, to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of a product, namely carbon cathode block in Canada, contrary to paragraph 45(1)(c) of the *Competition Act*, R.S. 1985, c. C-34.

Dated at Gatineau, PQ, this 25th day of August, 2004.


 on BEHALF OF D.D. Graham Reynolds, Q.C.
 for the Attorney General of Canada

(LORRÉ PÉRIE
 COUNSEL
 DEPT. OF JUSTICE)

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

Dated at Ottawa, Ontario this 1st day of August, 2004.


 Morris Rosenberg
 Deputy Attorney General of Canada

Court File No. T -

IN THE FEDERAL COURT OF CANADA
TRIAL DIVISION
(AT TORONTO)

BETWEEN:

HER MAJESTY THE QUEEN

- and -

VAW Carbon GmbH

Accused

INDICTMENT

D.D. Graham Reynolds, Q.C.
for the Attorney General of Canada
Department of Justice
Ontario Regional Office
Exchange Tower
130 King Street West
Toronto, Ontario M5X 1K6
Telephone: (416) 952-6807
Fax: (416) 973-8253
E-mail: graham.reynolds@justice.gc.ca