

## 7. CARTEL CONDUCT AS A CRIMINAL OFFENCE

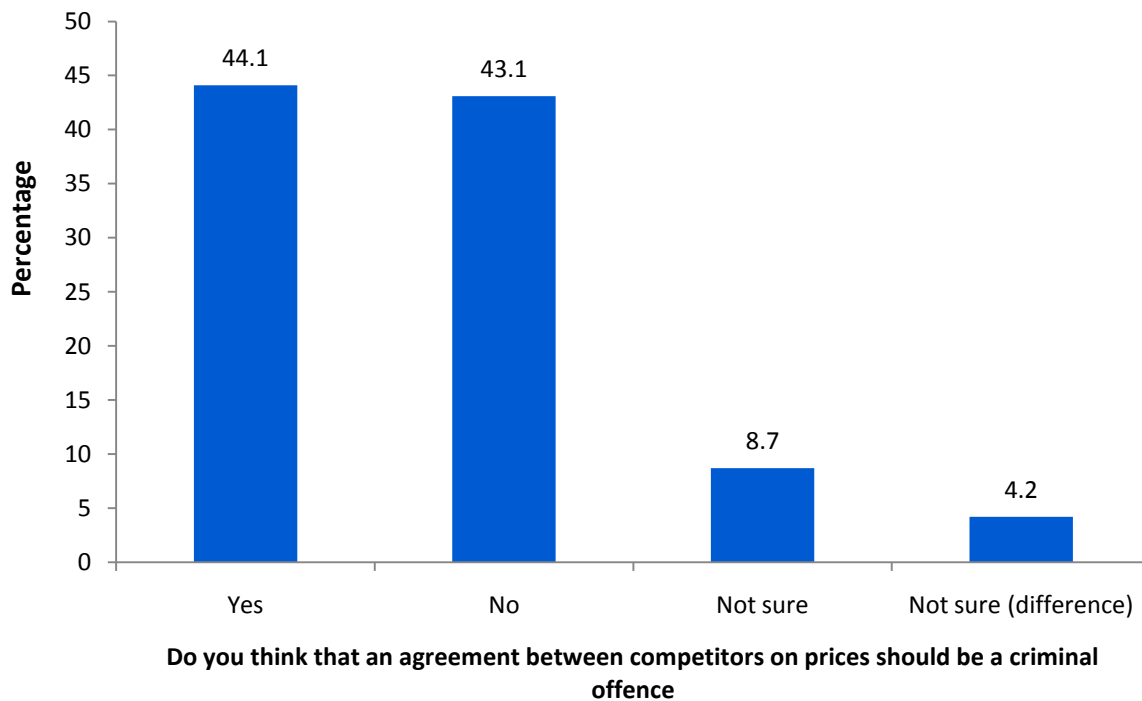
### 7.1 PRICE FIXING AS A CRIMINAL OFFENCE

#### Question

D1A Do you think that an **agreement between competitors on prices** should be a criminal offence?

1. Yes, I think it should be a criminal offence
2. No, I think it should be against the law but not a criminal offence
3. I'm not sure about whether it should be a criminal offence
4. I'm not sure about the difference between something being a criminal offence and something being against the law

Comments (optional):

**Figure 7.1: Price fixing as a criminal offence<sup>1</sup>****Comments**

The proportion of respondents who considered an agreement between competitors on prices should be a criminal offence and the proportion who considered it should be against the law but not a criminal offence were similar – 44.1% and 43.1% respectively. A much lower proportion considered such conduct should be a criminal offence as compared to the proportion who considered it should be against the law (71.4% – see Figure 6.1). Less than 10% of respondents were not sure about whether an agreement between competitors on prices should be a criminal offence and less than 5% were not sure about the difference between conduct being against the law and conduct being a criminal offence.

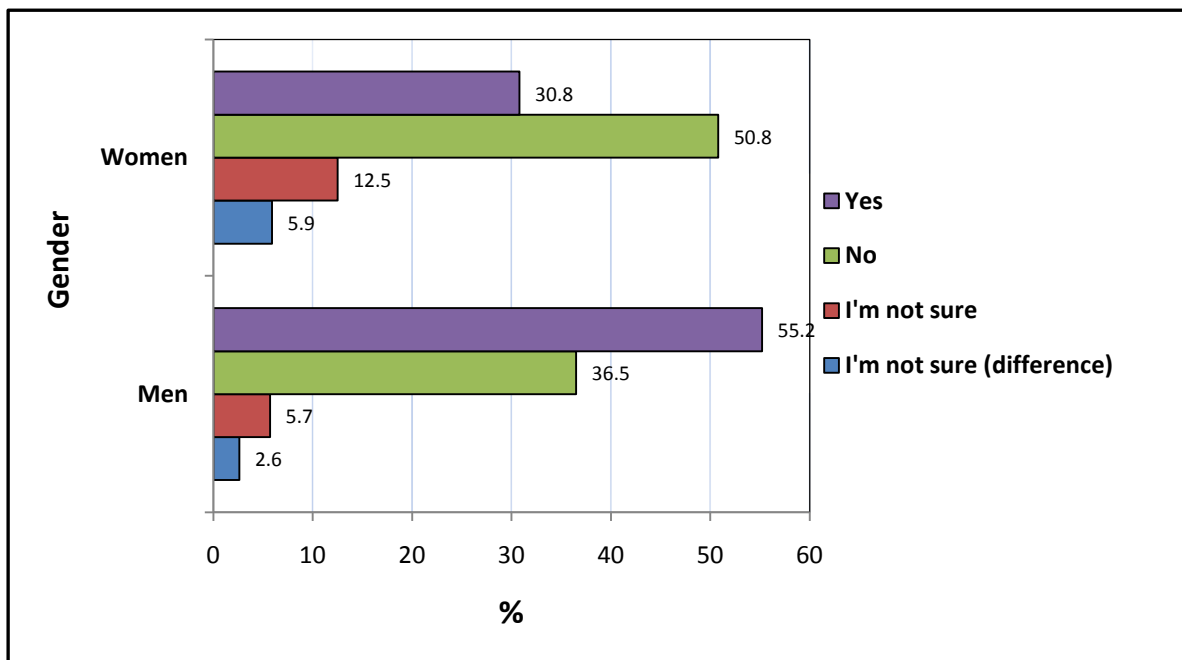
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**7.1.1 PRICE FIXING AS A CRIMINAL OFFENCE AND DEMOGRAPHIC FACTORS**


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<sup>1</sup> n=952 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors on prices should be against the law?', Question D1) .

Figure 7.1.1A Price fixing as a criminal offence and gender<sup>2</sup>

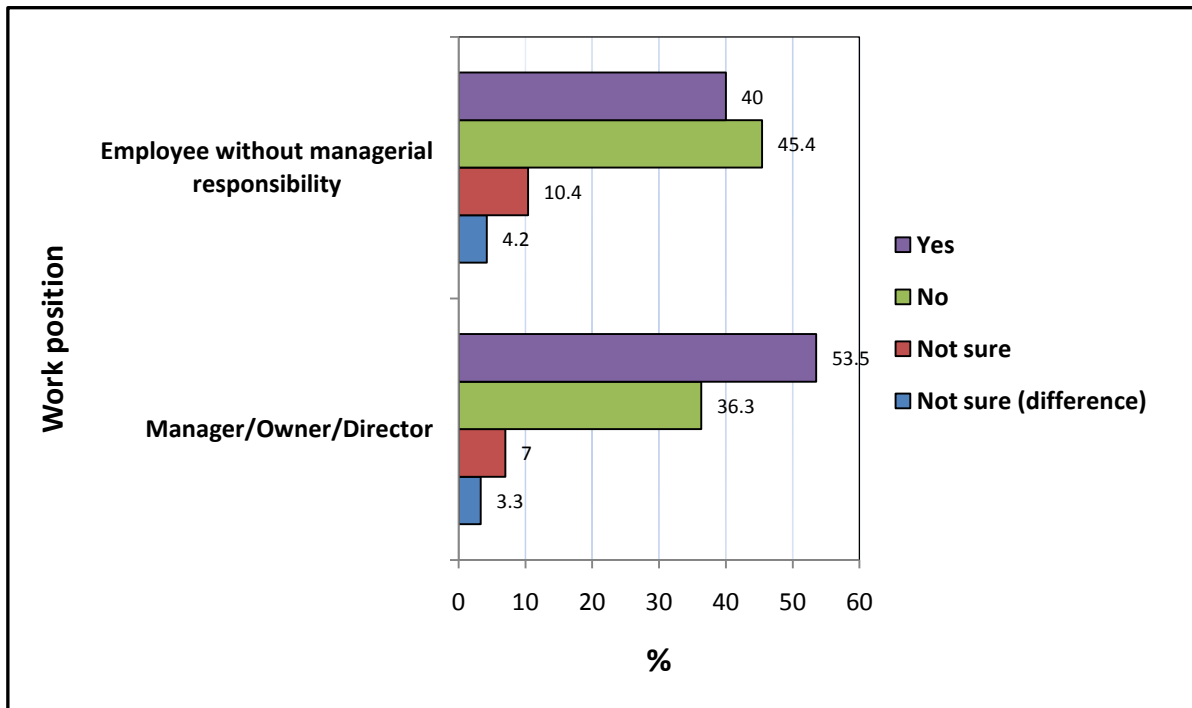


### Comments

Compared to women, men were more likely to indicate that an agreement between competitors on prices should be a criminal offence (30.8% women versus 55.2% men), less likely to indicate that such an agreement should not be a criminal offence (50.8% women versus 36.5% men), and less likely to be unsure about whether it should be a criminal offence (5.7% men versus 12.5% women).

<sup>2</sup> n=952 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors on prices should be against the law?', Question D1).

Figure 7.1.1B Price fixing as a criminal offence and work position<sup>3</sup>

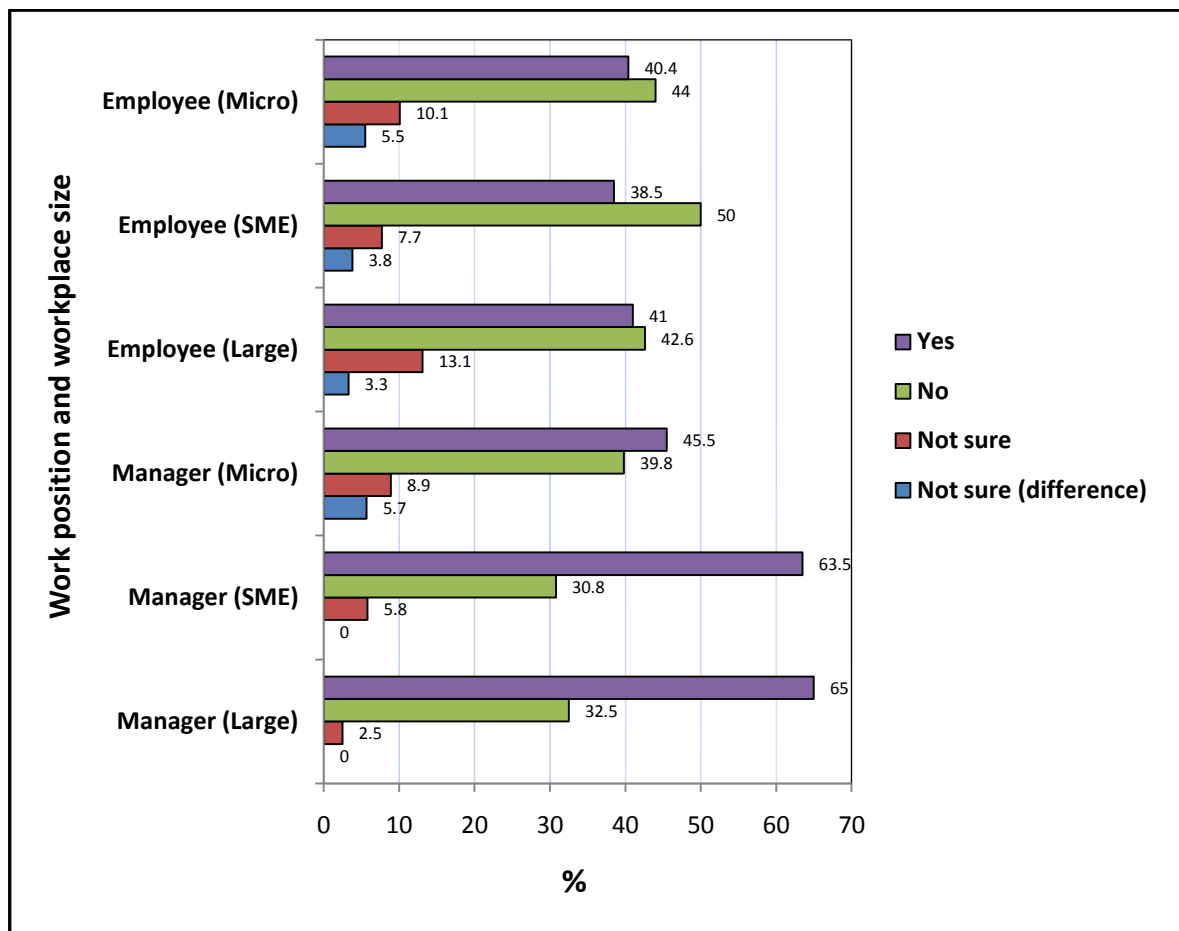


### Comments

Comparing respondents who indicated that an agreement between competitors should be a criminal offence to those who indicated that it should not, there was a larger gap in opinion for managers than for non-managers. For managers, 53.5% indicated that an agreement between competitors on prices should be a criminal offence, compared to 36.3% who indicated that it should not be. As compared with managers (53.5%), 40% of employees without managerial responsibility considered an agreement between competitors on prices should be a criminal offence, while 45.4% considered it should not be.

<sup>3</sup> n=563 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors on prices should be against the law?', Question D1, and 'Yes' to 'Last week, did you do any paid work of any kind?', Question A7).

**Figure 7.1.1C Price fixing as a criminal offence and work position and workplace size combined<sup>4</sup>**



## Comments

While for employees of any size workplace there were no major differences on whether an agreement between competitors on prices should be a criminal offence, there were marked differences between managers, depending on the size of the workplace. For SMEs and large businesses around twice as many managers indicated that an agreement between competitors on prices should be a criminal offence than those who indicated it should not be. For managers in micro size workplaces, 45.5% indicated that an agreement between competitors on prices should be a criminal offence and 39.8% indicated it should not be.

<sup>4</sup> n=755 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors on prices should be against the law?', Question D1, and 'Yes' to 'Last week, did you do any paid work of any kind?', Question A7). In this Figure, 'large' equates to a workplace with 200 or more employees, 'SME' (small to medium) equates to a workplace with between 20-199 employees and 'micro' to a workplace of between 0-19 employees. There was not a test of statistical significance for this cross-tabulation as at least one of the cells had an insufficient frequency.

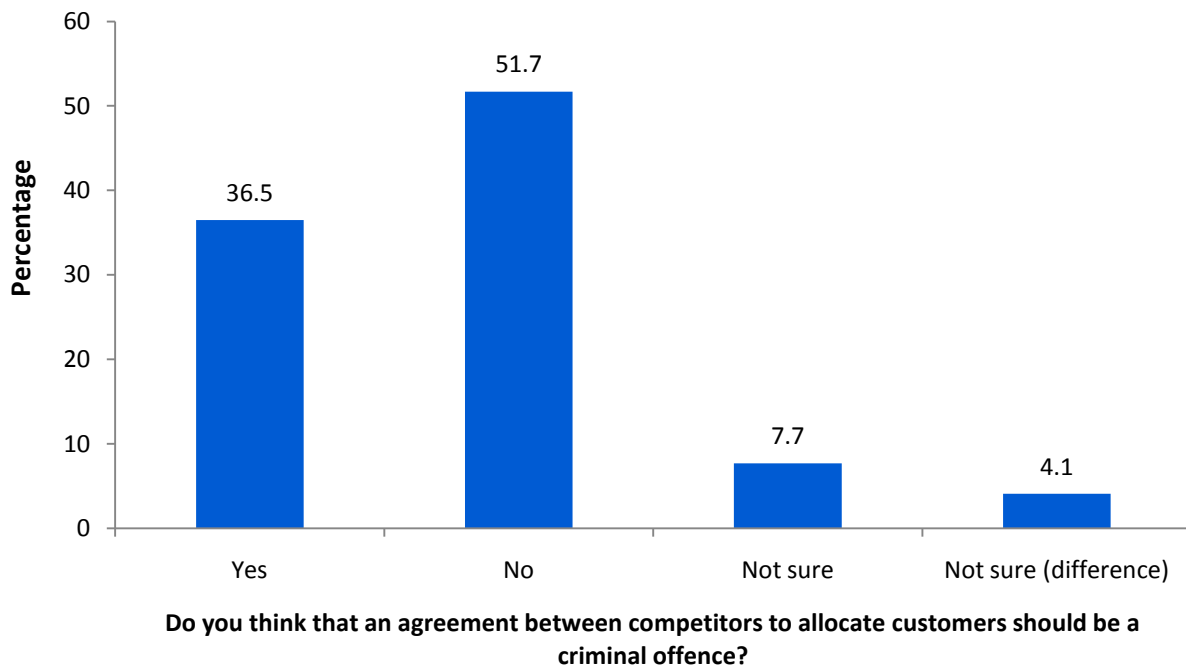
## 7.2 MARKET ALLOCATION AS A CRIMINAL OFFENCE

### Question

D2A. Do you think that an **agreement between competitors to allocate customers** should be a criminal offence?

1. Yes, I think it should be a criminal offence
2. No, I think it should be against the law but not a criminal offence
3. I'm not sure about whether it should be a criminal offence
4. I'm not sure about the difference between something being a criminal offence and something being against the law

Comments (optional):

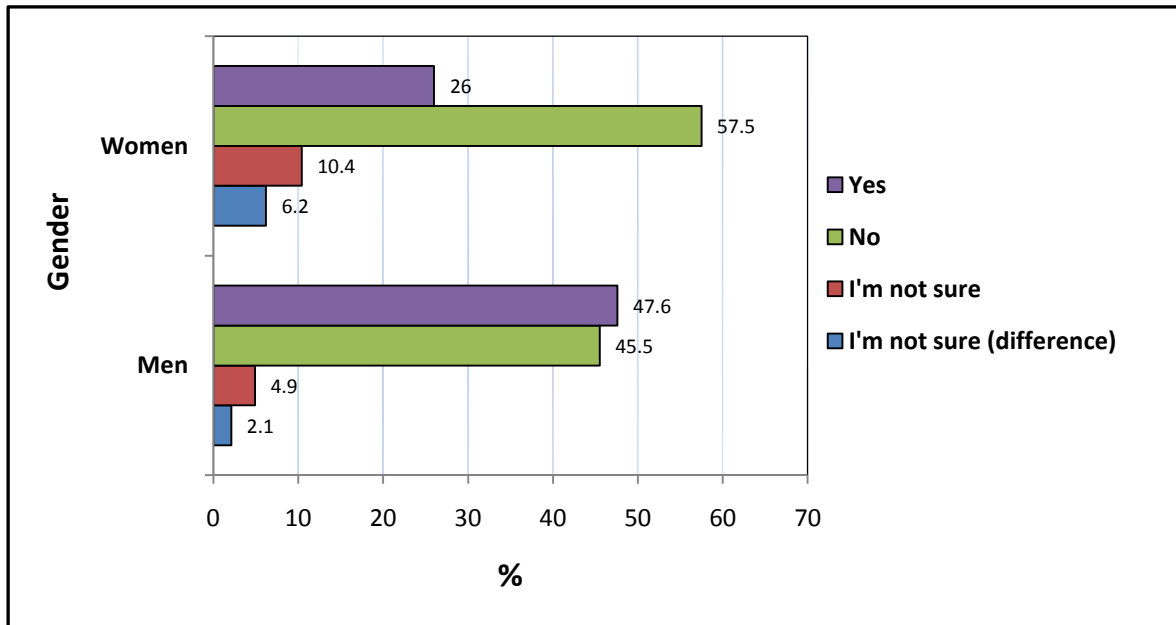
**Figure 7.2: Market allocation as a criminal offence<sup>5</sup>****Comments**

Just over half of respondents (51.7%) considered an agreement between competitors to allocate customers should not be a criminal offence. 36.5% respondents considered such conduct should be a criminal offence, as compared to 68.1% who considered such conduct should be against the law (see Figure 6.2). Less than 10% of respondents were not sure about whether an agreement between competitors to allocate customers should be a criminal offence and less than 5% were not sure about the difference between conduct being against the law and conduct being a criminal offence.

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<sup>5</sup> n=898 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors to allocate customers should be against the law?', Question D2).

## 7.2.1 MARKET ALLOCATION AS A CRIMINAL OFFENCE AND DEMOGRAPHIC FACTORS

Figure 7.2.1 Market allocation as a criminal offence and gender<sup>6</sup>**Comments**

While for men there was little difference in proportion for or against on the question whether an agreement between competitors to allocate customers should be a criminal offence, there was a large gap for women, where 26% indicated such conduct should be a criminal offence compared to 57.5% who indicated it should not.

<sup>6</sup> n=898 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors to allocate customers should be against the law?', Question D2).



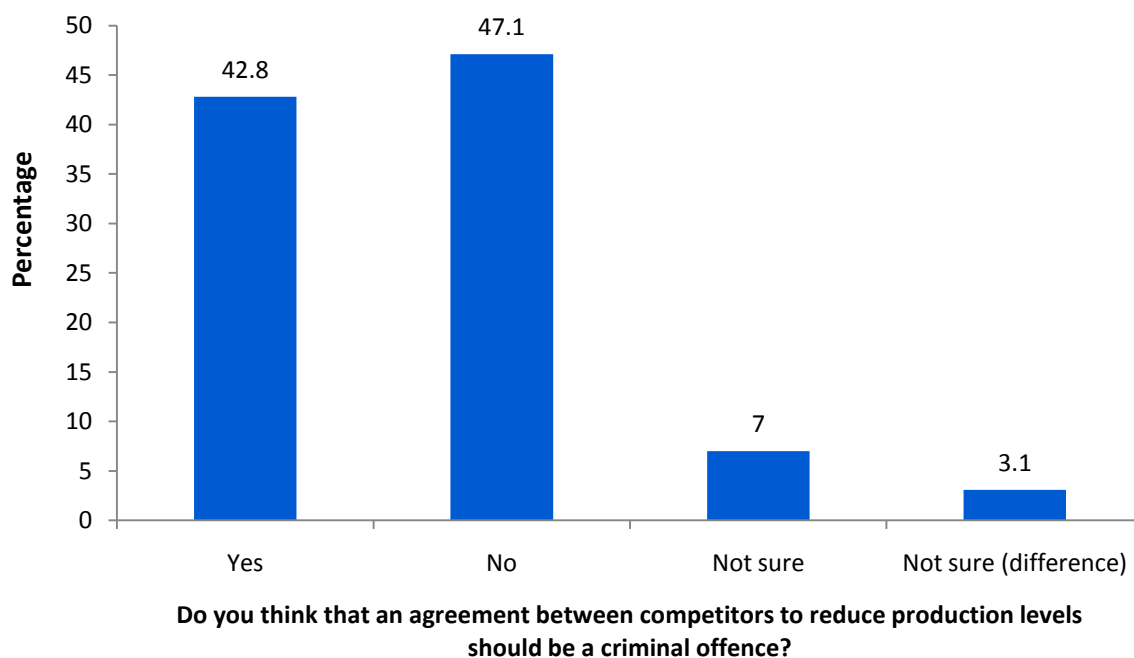
### 7.3 OUTPUT RESTRICTION AS A CRIMINAL OFFENCE

#### Question

D3int. Do you think that an **agreement between competitors to reduce production levels** should be a criminal offence?

1. Yes, I think it should be a criminal offence
2. No, I think it should be against the law but not a criminal offence
3. I'm not sure about whether it should be a criminal offence
4. I'm not sure about the difference between something being a criminal offence and something being against the law

Comments (optional):

**Figure 7.3: Output restriction as a criminal offence<sup>7</sup>**

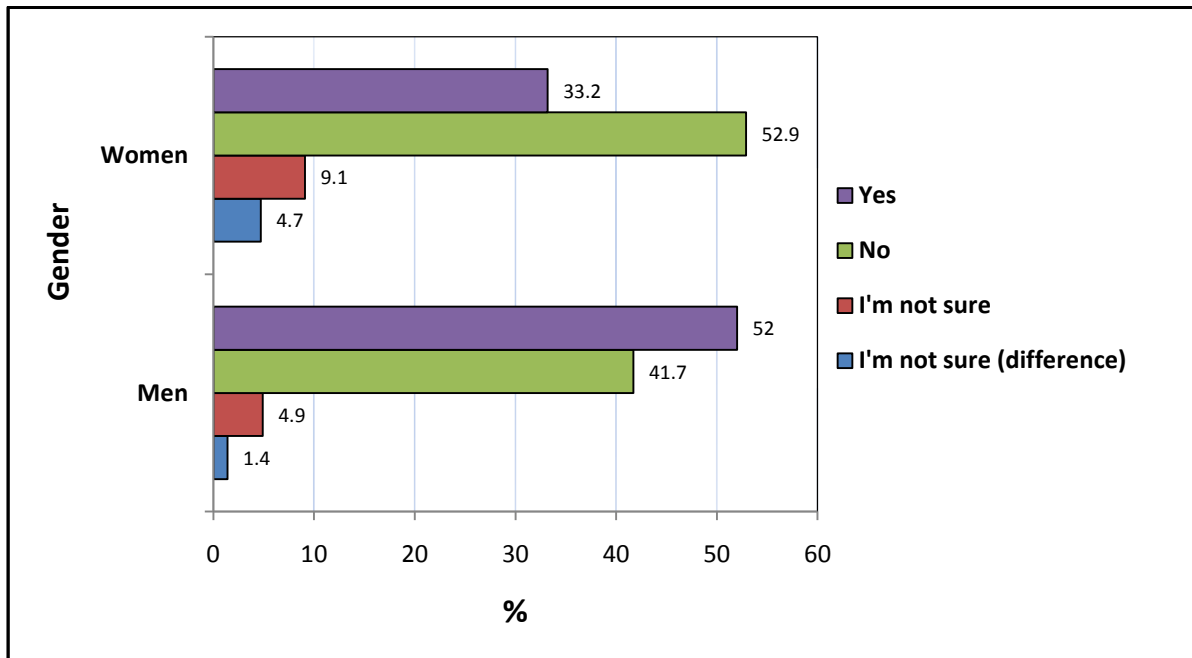
### Comments

The proportion of respondents who considered an agreement between competitors to reduce production levels should be a criminal offence and the proportion who considered it should be against the law but not a criminal offence were similar – 42.8% and 47.1% respectively. A much lower proportion considered such conduct should be a criminal offence as compared to the proportion who considered it should be against the law (69.2% - see Figure 6.3). Less than 10% of respondents were not sure about whether an agreement between competitors to reduce production levels should be a criminal offence and less than 5% were not sure about the difference between conduct being against the law and conduct being a criminal offence.

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<sup>7</sup> n=920 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors to reduce production levels should be against the law?', Question D3).

## 7.3.1 OUTPUT RESTRICTION AS A CRIMINAL OFFENCE AND DEMOGRAPHIC FACTORS

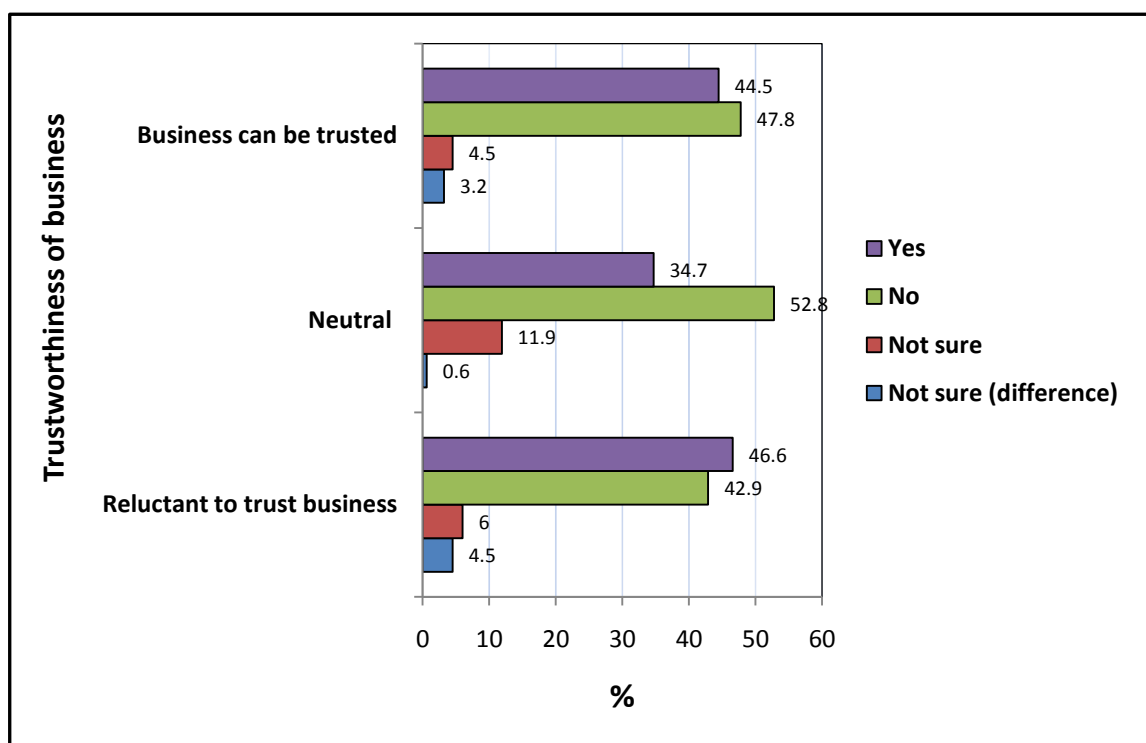
Figure 7.3.1 Output restriction as a criminal offence and gender<sup>8</sup>**Comments**

Around half of men (52%) indicated that an agreement between competitors to reduce production levels should be a criminal offence, while around half of women (52.9%) held the opposite view.

<sup>8</sup> n=920 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors to reduce production levels should be against the law?', Question D3).

### 7.3.2 OUTPUT RESTRICTION AS A CRIMINAL OFFENCE AND BUSINESS AS TRUSTWORTHY/UNTRUSTWORTHY

Figure 7.3.2 Output restriction as a criminal offence and trustworthiness of business<sup>9</sup>

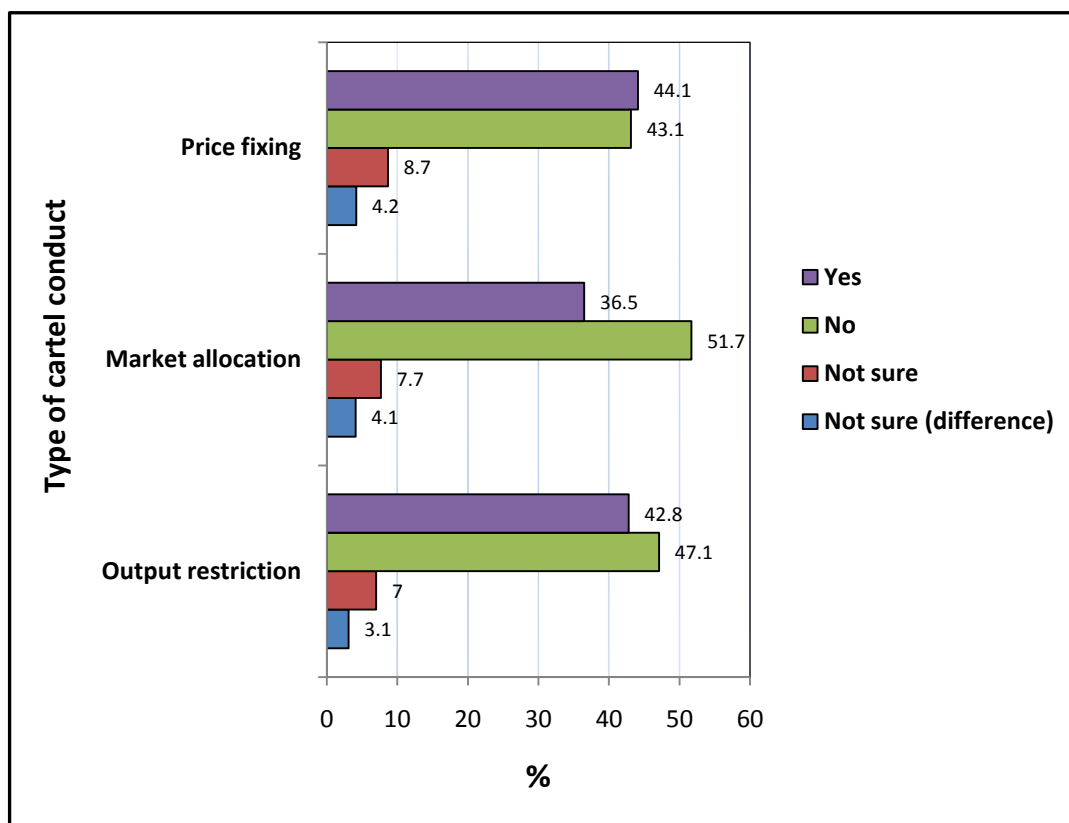


#### Comments

Of respondents who were 'neutral' on trustworthiness of business, 34.7% indicated that output restriction should be a criminal offence, while 52.8% indicated that it should not be.

<sup>9</sup> n=920 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors to reduce production levels should be against the law?', Question D3).

## 7.4 COMPARISON BETWEEN TYPES OF CARTEL CONDUCT AS A CRIMINAL OFFENCE

Figure 7.4 Comparison between types of cartel conduct as a criminal offence<sup>10</sup>

## Comments

The largest divide in opinion for and against cartel conduct as a criminal offence was found for market allocation, where 36.5% indicated it should be a criminal offence and 51.7% indicated it should not be. While not presented in the figure above, it was found that of the group of respondents, in the hard launch stage, who were asked their views on the three types of cartel conduct, around one third indicated that all three types should be a criminal offence.

<sup>10</sup> For price fixing, n= 952 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors on prices should be against the law?', Question D1); market sharing, n= 898 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors to allocate customers should be against the law?', Question D2); output restriction, n=920 (representing respondents who responded 'Yes' to 'Do you think that an agreement between competitors to reduce production levels should be against the law?', Question D3).