



FACULTY OF LAW

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MASTER DEGREE THESIS

Coordination of International Competition Law under the framework of WTO

----- from the perspective of BRICS

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I hereby declare that the thesis of the title “Coordination of International Competition Law under the framework of WTO” submitted is the original research conducted by myself, under the supervisor’s guidance. It has never been submitted anywhere else, either in part or as a whole, for a degree or other academic credits. All direct or indirect sources used are acknowledged as references. I undertake the sole responsibility for any inaccuracy in this declaration and for the whole text of the thesis.

Yours sincerely,

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List of Abbreviations

APEC - Asia-Pacific Economic Cooperation

EC - European Commission

ECJ - European Court of Justice

EU - European Union

GATS - General Agreement on Trade in Services

GATT - General Agreement on Tariffs and Trade

ICN - International Competition Network

NAFTA - North American Free Trade Agreement

OECD - Organization for Economic Co-operation and Development

TRIPS - Trade Related Aspects of Intellectual Property Rights

UNCTAD - United Nations Conference on Trade and Development

WTO - World Trade Organization

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Finally, I would like to admit that my research is still not so perfect and have some lacuna, I hope later researchers would improve the research on this topic.

Abstract

The topic of International coordination of Competition Law has long been discussed in academia. For a long time, even now, there is no fully harmonized rules and regulations. However, with the deepening of economic globalization and integration, nations now are more depending on each other in international economy. A world market is gradually taking shape. At the same time, the problem of competition stands out. Different countries got different competition policies, to a very large extent, weakened the trade liberalization of the worldwide market greatly.

The extraterritorial jurisdiction of national competition law results in more international conflicts, based on which, how to balance the relation between trade and competition catch the eye of the international academic. Thus, international coordination of competition law issues are attracting the new international focus. Lacking of a comprehensive adjustment of international uniform law and an international neutral organization to resolve disputes, competition between countries has actually become a contest of strength.

It is in this global vision, the thesis focus on discussing international coordination of competition law under the framework of WTO. In the mean while, combined with the rising BRICS countries, the thesis is trying to discuss the necessity, the basic measures and approaches, the chief obstacle and the reaction of BRICS countries in international coordination of competition law.

The whole thesis is divided into six parts. Chapter one introduced the basis for international coordination of competition law, mainly present the social and economic bases of the coordination, the necessity in the vision of the international coordination of competition law and the extraterritorial jurisdiction and principals involved in the international coordination of competition law; Chapter two mainly research on the existing approaches of international coordination at the present time, analysis from the different three approaches: bilateral coordination mechanism, regional coordination

mechanism and multilateral coordination mechanism; Chapter three focus on the relationship of the international coordination and the WTO: The development of competition rules under the WTO, negotiation process of the WTO trade and competition working group, the possibility of coordination within the framework of the WTO, the proposals of coordination approaches, and the main tentative approaches under the WTO. Following, the thesis examining from the perspective of the BRICS as a representative of the coordination examples to confirm and improve the previous coordination theories. Finally, the thesis reached a conclusion on this research of international coordination of competition law under the framework of the WTO.

Key Words: International Coordination; WTO; Competition Law; BRICS.

