The laws that set the ground rules prohibiting firms from engaging in anti-competitive practices are usually called “antitrust laws” in the United States, and “competition laws” in Europe and other regions. Today, most nations, like the United States, have their own competition laws. These laws differ among nations, and each country enforces its laws independently. This lack of coordination leads to inefficiencies and confusion. In response to this, some observers argue that uniform global competition law should be adopted by international agreement. Enforcement would be handled by international organizations or coordinated among different nations.

Overview

These issues arise in discussions of global antitrust:

- Problems for multinational firms caused by differences between competition law in different countries, such as business practices that are illegal in one region and not elsewhere, or the potential for prosecution by many nations for one set of actions.
- The possibility that individual nations use competition law to give advantages to domestic firms or consumers, at the expense of foreign firms or consumers.
- The approaches used by national and international organizations, such as the United States government and the World Trade Organization, to handle competition problems across borders.
- The design and implementation of new global competition rules and the institutions that would enforce these international laws.
- Concerns that international enforcement organizations would be ineffective or susceptible to political manipulation.

TAP Academics researching global antitrust issues include:

Anu Bradford of the Columbia University School of Law studies global competition policy and the design of international organizations.

“We are entering a new era in terms of having an increasing number of major players [in antitrust enforcement]... Just as we started to see more convergence [between the law in the U.S. and the E.U.] we had a new major player, China... and more than 100 countries that have antitrust laws of some kind.” From “Interview with Anu Bradford on International Competition and Antitrust Laws,” by TAP Staff, March 30, 2010

Daniel Sokol of the University of Florida Levin College of Law writes about global and international competition law issues and serves on the editorial board of the Competition Policy Institute’s Antitrust Chronicle (formerly Global Competition Policy Magazine).

Jay Pil Choi of Michigan State has written on international enforcement coordination.

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Michael Whinston of the Massachusetts Institute of Technology and Ilya Segal of Stanford have written a comparison between U.S. and E.U. private antitrust lawsuits in “Public vs. Private Enforcement of Antitrust Law: A Survey.”


Please note that all links on this fact sheet are accessible from the online version at www.techpolicy.com/globalantitrust.aspx.