

Trade and competition: necessity and perspectives of universal competition rules

Competition policy is currently an important element of the legal and institutional system for the global economy. While decades ago anticompetitive practices were primarily a local phenomenon, now many areas of competitive law enforcement are international by their nature. This article elaborates on the development and use of the provisions on competition in the main documents of the WTO and free trade agreements. The analysis of the content and scope of competition agreements is carried out. The main problems that antitrust authorities are currently facing in different countries in relation to international cooperation on competition, are identified. The prospects and the need for adoption of universal standards and rules of competition in the world trade system are considered.

Key words: Competition policy, anti-competitive practices, international trade policy, WTO agreements, regional trade agreements, international cooperation.

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Introduction: Necessity and perspectives of universal competition rules

Competition policy is an important element of the legal and institutional framework for the global economy. Years ago, regulation of competition and competition treatment tended to be an object of domestic legislation. Over the past decades, with the increasing globalization and the proliferation of competition laws across the world, there is a trend of cases on restrictive business practices of large multinational companies, which are being investigated by competition authorities around the world.

Examples include: the investigation and prosecution of price fixing and market sharing arrangements that often spill across national borders and, in important instances, encircle the globe; multiple recent, prominent cases of abuses of a dom-

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inant position in high-tech network industries; important current cases involving transnational energy markets; and major corporate mergers that often need to be simultaneously reviewed by multiple jurisdictions.

The international cartel collusions would be of particular concern. In modern conditions, cartels lose their local dimension and become international; their participants are large multinational companies, whose activities are carried out around the world.

Due to be hidden, these practices hold the potential to undermine the benefits of trade and trade liberalization. On this basis, the significance of competition policy and cooperation in competition law enforcement is doubtless.

The issue of competition policy was an object of negotiations within WTO for a huge period. Thus, the potential need for formal state-to-state arrangements concerning competition policy were recognized already in 1948, in the Havana Charter for an International Trade Organization (the Havana Charter). The Charter included an entire competition-related chapter, which aimed at the prevention of 'business practices affecting international trade which restrain competition, limit access to markets, or foster monopolistic control, whenever such practices have harmful effects on the expansion of production or trade or have other harmful effects e.g. on development]'. But, the Charter was not ratified by the US and never came into effect [Anderson, Kovacic, Müller, Sporysheva 2018].

Further, the issue of competition policy and its significance for trade continued to receive attention in the context of related negotiations and relevant provisions were incorporated in the General Agreement on Tariffs and Trade (GATT) in 1947 and in the World Trade Organization (WTO) agreements e.g. in the framework of the General Agreement on Trade in Services (GATS), the Agreement on Trade-Related Investments Measures (TRIMs Agreement), and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

As a result of the Ministerial Conference in Singapore in 1996, the Working Group on the Interaction between Trade and Competition Policy (WGTCPP) was established to study various aspects of this issue, with the participation of all WTO Members.

The issue of interconnections between trade and competition policy was also a subject of concerns during the Doha Round of Multilateral Trade Negotiations (Doha Round) in 2001. The Doha Ministerial Declaration (Article 23) recognized 'the case for a multilateral framework to enhance the contribution of competition policy to international trade and development' and called for 'negotiations [to] take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that session on modalities of negotiations' [WTO.org].

Despite this, at the Cancún Conference, there were no consensus between the WTO Members. In July 2004 the General Council of the WTO decided that the

interaction between trade and competition policy (in addition to investment, and transparency in government procurement) would no longer form part of the Work Programme set out in the Doha Ministerial Declaration and therefore that no work towards negotiations on any of these issues will take place within the WTO during the Doha Round. Subsequently, the WTO Working Group on this topic has since been inactive.

But competition law and policy issues began to appear more often in the international trade system. According to the WTO Regional Trade Agreements Database, which was established in 2009 as part of the WTO's Transparency Mechanism for RTAs and is a repository of the legal texts and annexes of all RTAs notified to the WTO, preferential tariff and trade data provided by RTA parties, and other related documents, 198 of 304 (65%) RTAs in force contains competition-related provisions in one form or another [rtais.wto.org].

There are different objectives of competition-related provisions as they relate to trade. The following are among those most frequently recognized in the RTAs:

- ensuring that the potential gains from trade liberalization are not undermined by anti-competitive practices;
- promoting economic efficiency, development and prosperity;
- ensuring that competition law, itself, is not applied in ways that adversely affect business confidence and/or favor domestic as compared to foreign enterprises.

Most of the RTAs include an entrenched set of provisions, such as references to existing competition laws and their further development; the prohibition of anti-competitive practices; and a cooperation matters. Kazakhstan is a signatory of 12 RTAs, in accordance with the data of the above-mentioned WTO Regional Trade Agreements Database, five of which contains competition topics. The information on these RTAs provided in the Table 1 below.

Competition-related provisions of the Treaty on the Eurasian Economic Union

In this context the Treaty on the Eurasian Economic Union (EAEU) (hereinafter – the Treaty) signed in May 2014 to be considered separately [docs.eaeunion.org].

The Treaty has become effective on 1 January 2015. The Treaty confirms the creation of an economic union that provides for free movement of goods, services, capital and labor and pursues coordinated, harmonized and single policy in the sectors determined by the document and international agreements within the Union. The Treaty was signed by the Presidents of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation on 29 May 2014 in Astana. Apart from the three states, the Union members will also include the Republic of Armenia that signed Treaty on Accession to EAEU on 10 October 2014 and the Kyrgyz Republic that signed similar Treaty on 23 December 2014.

Table 1
Kazakhstan's participation in RTAs.

RTA Name	Coverage	Type	Date of notification	Notification	Date of entry into force	Status
Armenia - Kazakhstan	Goods	FTA	17-Jun-2004	GATT Art. XXIV	25-Dec-2001	In Force
Eurasian Economic Union (EAEU)	Goods & Services	CU & EIA	12-Dec-2014	GATT Art. XXIV & GATS Art. V	01-Jan-2015	In Force
Eurasian Economic Union (EAEU) - Viet Nam	Goods & Services	FTA & EIA	04-May-2017	GATT Art. XXIV & GATS Art. V	05-Oct-2016	In Force
Georgia - Kazakhstan	Goods	FTA	08-Feb-2001	GATT Art. XXIV	16-Jul-1999	In Force
Russian Federation - Belarus - Kazakhstan	Goods	CU	21-Dec-2012	GATT Art. XXIV	03-Dec-1997	In Force

Source: WTO Regional Trade Agreements Database.

EAEU is an international organization for regional economic integration. It has international legal personality. EAEU is to create an environment for a stable development of the Member-States' economies in order to raise the living standards of their population, as well as to comprehensively upgrade and raise the competitiveness of and cooperation between the national economies in the conditions of the global economy.

Governance of the Union is entrusted to the Supreme Eurasian Economic Council (SEEC) comprised of the Heads of the Member-States. The SEEC sessions are held at least once a year. Other units of governance in EAEU are the Intergovernmental Council at the level of the Heads of the Governments, the Eurasian Economic Commission and the Court of the Union.

Overall the Treaty codified around 70 documents, particularly, on competition policy. The Treaty absorbed the Articles on general principles and rules of competition, regulation of natural monopolies in general and in special areas (energy and transport), public (municipal) procurement, industrial subsidies and state support of agriculture. Special provisions of the Treaty shaped the design of the system of competition law enforcement and the approaches of EAEU competition policy.

This system combines control over meeting competitive conditions within the national jurisdictions on the basis of harmonized laws under the principles formalized in the Union Treaty, and control over observing general rules of competition on the cross-border markets exercised by EEC.

General competition principles specified in the Treaty include, in particular, the principles of:

- existence of competition laws in EAEU members-states, prohibiting agreements between market entities that (have) led or can lead to preventing, restricting, eliminating competition;
- efficient control over economic concentration;
- formalizing penalties and applying fines in EAEU member-states;
- each EAEU member-state having a government body authorized to implement and (or) pursue competition policy with particular powers determined by the Union Treaty;
- informational openness of competition (antimonopoly) policy carried out by the national competition authorities of EAEU member-states, particular, through publishing information about their work in mass media and on the Internet;
- cooperation between the national antimonopoly bodies of EAEU member-states.

The Treaty clearly determines EEC competence, assigning to it powers of control over general competition rules in cross-border markets of EAEU.

General competition rules prohibit abusing market dominance, anticompetitive agreements and unfair competition.

The Treaty determines specifics of applying general competition rules on the cross-border markets, the procedures for EEC control over their observance, and fines. Also, the Treaty determines the procedure for cooperation between national competition authorities of EAEU member-states between themselves and with EEC, describing in detail the grounds for cooperation and its specific forms. The purpose of such cooperation is to enhance efficiency of competition law enforcement on both cross-border and national markets.

EEC decisions in the field of competition can be appealed to the EAEU Court, a standing EAEU judicial body. It should be noted, that for EEC decisions on competition-related cases there are exceptions from the general procedure for filing claims outlined in the EAEU Court Statute.

Any dispute is accepted for consideration by the EAEU Court only after prejudicial settlement in the form of consultations, negotiations or other methods provided for by the Treaty and international treaties within the Union. Appeals against EEC decisions on competition-related cases are filed to the EAEU Court without a preliminary stage of prejudicial settlement. If the EAEU Court accepts an appeal lodged against an EEC decision on a competition-related case, the EEC decision is suspended until the date when the EAEU Court ruling comes into force.

Provisions of the Treaty on regulating relations in the fields of natural monopolies, public (municipal) procurement are pro-competitive, and determine the directions of Union competition policy.

Supporting market pricing and competition development instruments is one of the most important principles of regulating natural monopolies in certain fields, and establishing common markets, for example, energy resources markets and the common market of transportation services.

Developing competition, supporting informational openness and transparency of procurement, providing national procurement schemes for EAEU member-states, safeguarding obstacle-free access of potential suppliers from the member-states to procurement organized in the electronic form also are some of essential regulatory principles in public (municipal) procurement formalized by the Treaty.

To ensure conditions for sustainable, efficient development of EAEU economies and conditions encouraging mutual trade and fair competition between EAEU countries, EAEU member-states have common rules for granting subsidies on industrial commodities and state support to agriculture.

The EEC may request all necessary information for ensuring the observance of common competition rules in EAEU markets. Information – also of a confidential nature – is to be supplied by member States' bodies, local executive bodies, other bodies or organizations performing relevant functions, juridical persons and individuals. The EEC submits an annual report to the Supreme Council on

the state of competition in EAEU markets and measures taken to prevent violations of common rules of competition. The approved report and all decisions in cases of violations of common competition rules are published on the official website of the EEC.

The example of the first competition case of the EEC is reflected in the Box 1 below.

Case on violation of general rules of competition in trans-boundary market of supplying electrical anisotropic steel

Kentau Transformer Plant JSC complained to the EEC about the presence in the actions of Novolipetsk Metallurgical Combine PJSC and VIZ-Steel LLC (hereinafter NLMK) of signs of violation of the general rules of competition in the cross-border markets of the EAEU.

As a result of the investigation, the EEC found that monthly coefficients of macroeconomic risk in the amount of 5.3% to 23% to the price of electrical steel were applied to consumers from the Republic of Belarus and the Republic of Kazakhstan during the analyzed period from 1 January 2015 to 30 June 2016. The coefficients were paid in addition to the cost of purchased electrical anisotropic steel.

At the same time, consumers of the Russian Federation were not subject to additional coefficients when purchasing electrical anisotropic steel.

The Board of EEC on the results of investigation made a decision on the violation of the general rules of competition and on applying of the penalties from September 26, 2017 N 130.

It should be mentioned the decision were appealed by the Russian Federation in order, provided be the EAEU Treaty, to the Eurasian Intragovernmental Council.

In this connection, the decision is still not effective.

Box 1. EEC competition case

As it follows from the above provisions, competition law enforcement, today, is a mostly international phenomenon. Mergers and acquisitions often have a bearing on multiple national markets. The number of cartel investigations involving international participants has increased around the world in recent years.

But, efforts of one state in fighting cartels and anticompetitive practices of transnational companies would be deficient, the coordinated work of the competition authorities of different countries is required in order to prevent, reveal, investigate and eliminate violation in cross-border markets.

In this connection, regional co-operation has become an important tool for competition authorities to strengthen their enforcement and advocacy activities and to improve the design of competition laws and institutions. It has allowed many

jurisdictions to strengthen common interests in the region while at the same time promoting national interests. Regional co-operation can promote convergence in competition laws and instruments in a region and ensure consistency in its application, help ensure effective and efficient enforcement against anti-competitive practices and mergers with anti-competitive effects, reduce enforcement gaps, as well as support a more efficient deployment of scarce resources by minimizing duplicative efforts between member jurisdictions.

International cartels and market sharing agreements between entities in two or more countries are similar in their effects to horizontal price-fixing and other collusive agreements within a single jurisdiction. In both cases, competition is limited, prices are raised, output is restricted, and/or markets are allocated for the private benefits of firms.

Enforcement efforts by national competition authorities relating to international cartels, coupled with voluntary cooperation among national authorities in cases where this has been permitted, has brought satisfactory results and yielded positive spillovers (in the sense of benefits felt in other jurisdictions) in many cases.

Regional cooperation of competition authorities

Kazakhstan is a signatory of the Treaty on Implementation of the Coordinated Antimonopoly Policy of the Commonwealth of Independent States (CIS) (CIS Treaty).

One of the most important general economic tasks of the CIS is the creation of an effective system of anti-monopoly regulation, promoting the development of competitive relations and ensuring reliable protection of consumers - citizens of the CIS Member states.

The beginning of cooperation in the field of antimonopoly policy in the CIS was laid by the signing Treaty on Implementation of the Coordinated Antimonopoly Policy on 23 December 1993 by the Heads of Government of all the CIS member states.

The main objective of the CIS Treaty is the creation of legal and institutional framework for cooperation in implementation of the coordinated anti-monopoly policy and the development of competition, preventing monopolistic activity and / or unfair competition of market entities. Subsequently, the goals, objectives and mechanisms for implementing the coordinated antimonopoly policy in the CIS, defined by the CIS Treaty, were clarified and complemented in a new version of the CIS Treaty, signed by the Council of Heads of Government of the CIS on 25 January 2000.

The CIS Treaty specifies the tasks of the competition authorities to ensure close cooperation in the field of competition policy, provides definitions and general rules of competition regarding the abuse of dominance; restrictive agreements; unfair competition.

The Interstate Council for Antimonopoly Policy, the legal framework for the activity of which were established by CIS Treaty, is the basic platform for interaction of the competition authorities of the CIS Countries. It was established in 1993 aiming at coordinating of formation by the Member-Countries of the CIS of the legal and organizational basis for the purposes of prevention, restriction and suppression of anticompetitive practices and unfair competition within the CIS Economic Area.

To achieve the effective cooperation which would stimulate even deeper integration of the CIS Member-Countries, the ICAP Members adopted the Regulation on Cooperation of the States in Suppression of the Monopolistic Activity and the Unfair Competition which forms an integral part of the CIS Treaty.

The Regulation provides for mechanisms of cooperation of the CIS antimonopoly authorities in investigations of violations of the antimonopoly legislation, of participation in terminating transnational anticompetitive practices and of protection of domestic producers at international and domestic markets.

Within the framework of its operations and following the decisions adopted in the course of its sessions, the ICAP performed the analysis of the antimonopoly legislation of the CIS Countries in order to develop the common approaches to the harmonization.

At the ICAP sessions, the Participants exchange opinions on recent developments in their national antimonopoly legislation and on the overall economic situation with the subsequent information exchange on the most interesting cases currently considered.

In the course of its activity, the ICAP has achieved the following results:

- decrease of antimonopoly law infringements on the international markets of the CIS Countries;
- development of competition both in the domestic markets and in external economic activities;
- elimination of barriers in the movement of goods and services within the CIS Economic Area.

The work carried out by the ICAP has reached a qualitatively new level. To increase the interaction between the competition authorities of the CIS Countries, the participants of the ICAP made the decision to conduct joint investigations of anticompetitive practices in the CIS transboundary markets. For this purpose, the Headquarters for Joint Investigations of the Violations of the Antimonopoly Legislation in the CIS Countries was established in 2006.

Over the past years, a significant amount of work has been done to improve competition law, to provide methodological support for the activities of competition authorities. The main directions of this work included: an analysis of the developed draft laws that are part of the competition law system, the preparation of rec-

ommendations for the improvement of current legislation and law enforcement practice. As a result, over the past few years, the competition legislation of the CIS member states has undergone significant changes due to the need to improve it taking into account modern economic realities and the need to overcome new economic challenges, including the financial and economic crisis of 2009-2010.

Thus, in a number of CIS member states, amendments to national competition legislation were adopted, taking into account international norms and rules and best foreign practices in this field, the adoption process of which was accompanied by their coverage and discussion at the ICAP meetings.

Since 1 January 2009, the Law of the Republic of Kazakhstan “On Competition” entered into force in the Republic of Kazakhstan, which is a law of direct action and combines the provisions of the Laws of the Republic of Kazakhstan “On competition and restriction of monopolistic activities” and “On unfair competition”. The main innovations stipulated in the Law are:

- determination of principles of fair competition,
- list of grounds and forms of state participation in business activities,
- cases of admissibility of agreements or concerted actions of market entities,
- extraterritoriality,
- leniency,
- consideration of a group of persons as a single entity,
- collegiality in decision-making by the anti-monopoly authority,
- grounds for the provision of state assistance.

The work carried out by the competition authorities of the CIS member states to improve competition legislation is very important for the development of the economies of the CIS states and is aimed primarily at creating favorable conditions for entrepreneurial and investment activities, as well as at fully satisfying the needs of citizens.

The most important area of work of the ICAP is the development of practical cooperation between the competition authorities of the CIS member states. The work in this direction is carried out within the framework of the Headquarters for Joint Investigations of the Violations of the Antimonopoly Legislation in the CIS Countries (hereinafter referred to as the Headquarters) established under the ICAP.

The objects of the Headquarters research are socially significant markets, the successful functioning of which ensures the creation of infrastructure, which is the basis for the formation of a common economic space within the CIS, and also has a direct impact on the welfare of citizens of the CIS.

Thus, on the results of work conducted the reports on state of competition were developed:

- Report on the state of competition in the air transportation market in the CIS countries (2008)

- Report on the state of competition in the telecommunications market in the CIS countries (2010)
- Report on the state of competition in the market for the sale of food products in retail chains in the CIS countries (2012)
- Report on the state of competition in the markets of oil and petroleum products (2014)
- Report on the state of competition in the drug market in the CIS countries (2015).

On the results of the above study cases the recommendations on the development of competition in these markets were made.

Implementation of the recommendations was reflected in the report on the practical results of ICAP activity, devoted to the 25th anniversary.

At present, report on competition policy development in terms of digital economy is on finalizing stage.

Another priority of the Headquarters's activities is the improvement of methods of fighting cartels.

The case of effective implementation of the cooperation based provisions of the CIS Treaty and concerted actions of the competition authorities of Kazakhstan and Russia in order to eliminate anti-competitive conduct in the markets is exemplified in the Box 2 below.

Joint investigation by CIS competition authorities in the roaming services market

In the course of study of the state of competition in the telecommunications market in the CIS countries, signs of violation of competition law were revealed in the formation of tariffs for communication services in roaming. In this connection, competition authorities of a number of CIS countries took antitrust response measures.

Thus, the competition authorities of Russia and Kazakhstan, within the framework of national legislation, conducted joint investigations and initiated cases against the dominant operators. As part of the consideration of cases, Russian and Kazakhstani mobile operators announced a reduction in tariffs for communication services in international roaming in certain areas from 1.5 to 10 times. In general, it can be stated that the result obtained indicates a high efficiency of the implementation of concerted antitrust response measures. Using of them contributes to the development of competition in the relevant markets, providing consumers with obvious benefits, and also creates a good basis for expanding socio-economic interaction in the CIS countries space.

Box 2. Case of implementation of the CIS Treaty provisions

Nevertheless, some cross-border anti-competitive practices may be beyond the effective reach of the laws in the jurisdictions where their effects are most harmful and despite the clear and significant progress that is being made in this field. The increasing interdependence of markets and economies means that the behaviour of market participants, and its effects, are often not limited to the territory of one jurisdiction. Conduct by foreign entities taking place overseas may therefore have harmful effects on domestic markets.

In this connection the further developments in this field shall address the question “what additional forms of international co-operation may be required in order to ensure an appropriately transparent and non-discriminatory framework for the application of competition policy in global economy, at the same time preserving appropriate scope for policy innovation and regulatory diversity at the national level?”.

Today, this question is in the focus of consideration in different international organizations, such as OECD, UNCTAD, International Competition Network, and regional organizations (European Competition Network, European Commission, and Eurasian Economic Commission).

The achievements of these organizations span many areas, including merger review, anti-cartel enforcement, unilateral conduct, competition advocacy, and competition policy implementation. Work products range from recommended practices, case-handling and enforcement manuals, reports, legislation and rule templates, databases, toolkits, and workshops.

These past and ongoing efforts to promote convergence in substantive approaches have contributed to a more coherent international policy environment nowadays.

But, OECD, UNCTAD and ICN have focused on non-binding recommendations. That means voluntary cooperation and voluntary acceptance of recommended practices of national competition authorities and regional office [wto.org; rtais.wto.org; internationalcompetitionnetwork.org].

In that regard, in some cases some jurisdictions may reject the benefits of effective competition law enforcement and cooperation at international level for the sake of industrial policy goals.

Following the above it could be suggested that voluntary cooperation and voluntary acceptance of recommended practices can supply a foundation for the establishment of binding, treaty-based obligations and the role of international organizations in facilitating convergence among competition law systems might thus be considered as a necessary evolutionary step from soft law to hard law.

Thus, global problems would seem to require global solutions. An agreement addressing these issues could reduce the risk of jurisdictional conflict and resolve

conflicts that arise. In addition, without an agreement, as it was already told, national interests will not align sufficiently to resolve conflicts that arise.

Many issues related to the competition in international dimension are interconnected with specific trade policy dimension. Accordingly, the main principles of in the WTO, such as non-discrimination, transparency and procedural fairness are relevant to competition policy.

Taking into account existing WTO agreements and the treatment of competition policy in RTAs, as well as the current general interest of WTO Members in advancing competition policy matters, specific potential contributions of the WTO could be done to greater policy coherence and to a stronger framework for the promotion of competition in global markets.

Work in the WTO would complement and reinforce the work of other international organizations concerning competition-related issues and shall *not* be intended to address the issues which are effectively addressed in that organization:

Also, there is necessity of further codification of generally agreed provisions, such as the general commitments by WTO Members relating to eliminating of anti-competitive practices and international cooperation.

Conclusion

All of the above-mentioned is the evidence that competition policy is no longer viewed mainly as a domestic matter and of interest principally to developed economies. Moreover, it has become an essential element of the legal and institutional framework for the global economy.

To date, efforts to establish a general agreement on competition policy in the framework of the international trading system have been unsuccessful. Nonetheless, different specific provisions concerning competition policy are incorporated in the GATT, GATS, the TRIPS Agreement, the TRIMS Agreement, and in other elements of the WTO agreements.

The important role of competition policy and its significance for global trade is also evident from the discussions within WTO and notifications made on competition policy in the WTO accession process. Another case - the work of the WTO Trade Policy Review Body (TPRB), which systematically references the role of national competition policies in developed and developing jurisdictions.

It could be suggested to sign the multilateral agreement within the WTO framework, which provides universal principles and standards aimed at maintaining competition and restricting monopolistic activity that meet the basic laws of economic development of the WTO member states.

In addition, the existence of such basic principles should have a positive effect on the regulation of entrepreneurial activity in the least developed countries - members of the WTO, where there are no maintained competition laws and regulation or are at the initial stage of development.

References

- [1] Anderson, R.D., Kovacic, W.E., Müller, A.C., Sporysheva, N. (2018). Competition policy, trade and the global economy: existing WTO elements, commitments in regional trade agreements, current challenges and issues for reflection, WTO Staff working paper.
- [2] Laprévotte, F.-C. (2019). *Competition policy within the context of free trade agreements*, Paper to the OECD Global Forum on Competition.
- [3] Court of the Eurasian Economic Union. URL: <<http://courteurasian.org>>.
- [4] Treaty on the Eurasian Economic Union. URL: <<https://docs.eaeunion.org/Pages/DisplayDocument.aspx?s=bef9c798-3978-42f3-9ef2-d0fb3d53b75f&w=632c7868-4ee2-4b21-bc64-1995328e6ef3&l=540294ae-c3c9-4511-9bf8-aaf5d6e0d169&EntityID=3610>>.
- [5] Official web-site of the Committee on protection and development of competition under the Ministry of National Economy of the Republic of Kazakhstan. URL: <<http://kzrk.gov.kz>>.
- [6] WTO official web-site. URL: <<https://www.wto.org>>.
- [7] Legal information system of Regulatory Legal Acts of the Republic of Kazakhstan «Édilet». URL: <<http://adilet.zan.kz/rus>>.
- [8] The WTO Regional Trade Agreements (RTAs) Database. URL: <<http://rtais.wto.org/UI/PublicMaintainRTAHome.aspx>>.
- [9] ICN official web-site. URL: <<https://www.internationalcompetitionnetwork.org>>.
- [10] UNCTAD official web-site. URL: <<https://unctad.org/en/Pages/Home.aspx>>.

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Торговля и конкуренция: необходимость и перспективы универсальных правил конкуренции

Конкурентная политика в настоящее время является важным элементом правовой и институциональной системы для глобальной экономики. Если в предыдущие десятилетия антиконкурентные практики являлись преимущественно как локальное явление, то в настоящее время многие направления конкурентного правоприменения носят международный характер. В данной статье рассмотрены тенденции развития и использования положений о конкуренции в документации ВТО, соглашениях о свободной торговле. Проведен анализ содержания и охвата статей о конкуренции в указанных соглашениях. Выявлены основные проблемы, с которыми в настоящее время сталкиваются антимонопольные органы в странах мира, связанные с международным сотрудничеством в сфере конкуренции. Рассмотрены перспективы и необходимость принятия универсальных стандартов и правил конкуренции в системе мировой торговли.

Ключевые слова: *Конкурентная политика, антиконкурентная практика, международная торговая политика, соглашения ВТО, региональные торговые соглашения, международное сотрудничество.*

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