4. International issues and the globalization of competition law

This chapter draws a distinction between public, institutional enforcement of competition law, which may raise issues of public international law, and private actions before national courts. The coexistence of competition law regimes around the world means that companies that trade internationally may find themselves subject to the law of a ‘foreign’ state. While in the US the effects doctrine is relied on to assert jurisdiction, in the EU there has been no explicit adoption of the effects doctrine. Instead, the EU relies upon an ‘implementation’ doctrine. Under principles of comity a state may recognize the interests of another state when applying its competition law. Multilateral initiatives have been taken to try to resolve difficulties, but there is at present no single global agreement on competition law.
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