

Conflicts and compromise

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Valorisation Addendum

1. Social Relevance of the Research

This thesis starts by explaining the reasons for conflicts between jurisdictions in the area of competition law, followed by an examination of the attempts that have been made to cooperate at the bilateral, regional and international levels. Furthermore, it provides a theoretical analysis of the solutions for the conflicts. It covers several important topics, notably, the expansion of competition law, the extraterritorial application of domestic laws, the reasons for conflicts and cooperation, regionalism, the feasibility of centralization at the international level, the roles of international law and international institutions.

Firstly, this research conducts a comparative analysis among four competition regimes: the US, the EU, Japan and China, which can provide some insights for readers on how competition law, especially its extraterritorial application has developed over time. In addition, the rationale and goals of competition law are discussed in this thesis. A great number of jurisdictions have adopted competition rules, but some are still in an early stage of enforcing and developing them. This research can help readers to understand the differences and similarities between jurisdictions, which may help to improve mutual understanding and reduce possible conflicts between jurisdictions.

Secondly, this research provides an examination of competition-related provisions in current bilateral agreements and regional agreements. By means of an empirical study, this research provides an overview of the relevant legal provisions found in these agreements and analyzes their achievements and possible shortcomings. The up-to-date information can help society to gain a clearer picture of the current situation.

Thirdly, in the current international circumstances, this research is of special significance. In the last several decades, globalization has made trans-border transactions and multi-national companies an important part of the world economy. After years of dealing with conflicts, mature competition regimes seem to have established some effective cooperative mechanisms which allow the authorities to communicate, to exchange information and to cooperatively enforce their competition law. It seems that the conflicts, or at least the harm of conflicts between jurisdictions, have been effectively reduced. However, as more and more less-mature competition regimes are actively developing and enforcing their competition law, the possibility of conflicts are still there.

Furthermore, recently, the world is witnessing an emergence of anti-globalization. The protectionism has been on the rise. In these circumstances, conflicts are more likely to erupt. This research explores conflicts and cooperation and therefore can provide some solutions for the international community, especially for those who are interested or

engaged in international communication and cooperation. Although this research concentrates on the area of competition law, it has social value beyond that and could shed light on other areas.

2. Target Groups of the Research

The result of this research can provide valuable insights for various groups. Firstly, this thesis is of interest to scholars, especially those who are interested in competition law and international law. This research provides academia some ideas and arguments on why conflicts easily arise between different jurisdictions in the area of competition law, what has been explored by the international community to solve these conflicts, whether competition law should be harmonized at an international level and what are the more practical solutions to relieve the problem of conflicts. This research is also useful for scholars who are willing to know more about the competition regimes and extraterritorial application of competition laws particularly in the US, the EU, Japan and China.

Secondly, the research can offer some ideas for policy-makers in different competition regimes, as one important issue explored by the research is the reasons for conflicts and the possible solutions for such conflicts. For example, this research is of relevance to Chinese policy-makers. China only established its competition law (Chinese Anti-Monopoly Law) a decade ago. Its enforcement still faces many problems, especially when cross-border companies are involved. This research can provide policy-makers and enforcers some information on the most recent developments, as well as insights into the extraterritorial application and international cooperation in the area of competition law.

Furthermore, an important target group of this research is international institutions and competition authorities, which are responsible for establishing or developing international cooperative mechanisms in the area of competition law. This research has examined the achievements and development of international cooperation in the area of competition law. It also provides a theoretical examination of the current situation and possible shortcomings which need to be addressed in the future. The discussion of federalism and game theory in the area of competition law can provide some insight into these institutions and contribute to the establishment of future cooperative mechanisms.

This research can be of interest to other audiences in the international community who are interested in this topic too. After decades of economic development and globalization, most of the jurisdictions in the world are now closely connected. Therefore, a wide group of people may be interested in how conflicts between jurisdictions and cooperation come up and what are possible solutions to these conflicts. This research can shed some light on these problems.

3. Implementation of the Research Results

The research results will be implemented in the following ways. Firstly, the thesis is planned to be published in the form of a book. The book will explore the reason for conflicts between different competition regimes, the attempts of the international community to avoid such conflicts and a theoretical examination of such attempts.

Secondly, to make it accessible to a wide group of academia, the author plans to write several journal articles, for example, related to the discussion in Chapter 2 (extraterritorial application of domestic competition laws, especially development in Japan and China) and Chapter 6 (whether centralization at the international level in the area of competition law is feasible).

Thirdly, some preliminary results of this research have been presented at several conferences and seminars.

4. Innovativeness of the Research

There is some innovativeness of the research worth noting. Firstly, this research examined the extraterritorial application of four competition regimes: the US, the EU, Japan and China. While there has been a fair bit of literature on the development of extraterritorial application in the US and the EU, there has been relatively little exploration of this topic in Japan and China. Moreover, in this thesis, the most recent development in the four competition regimes are examined, including the most recent cases.

Secondly, thus far, there is a lack of up-to-date literature covering and analyzing cooperative provisions concerning competition issues. This research provides an examination of the cooperative provisions related to competition rules in some bilateral agreements, regional agreements and international proposals. By doing so, readers can get an insight into the attempts made by the international community thus far to promote international cooperation and to reduce conflicts, and furthermore, into the drawbacks of current mechanisms.

Thirdly, both law and economics theories and international relations theories are applied to examine the role of international law and international institutions when dealing with conflicts between jurisdictions in the area of competition law. The arguments for and against centralization have been discussed by academia, but hardly concentrate on the area of international competition law. Game theory is applied to analyze how conflicts arise and why cooperation is likely and desirable. That theory has hardly been applied to examine conflicts and cooperation between jurisdictions in the area of competition law. This research can help to fill some gaps mentioned above.

5. How will these plans for valorisation be shaped?

Valorisation Addendum

The valorisation can be shaped in the following ways. Firstly, the result of the research will be publicly available in the form of books or journals. Secondly, because it is particularly important to make this research accessible to practitioners, the research will continue to be presented at workshops or seminars, especially at meetings involving policy-makers and enforcers from competition authorities or from international organizations.