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From Globalisation to Regionalisation

The Impact of Globalization and Regionalization on the Dominican Defense Model

- Contribution from the Dominican Republic –*

1. The Competition Defense Model of the Dominican Republic

1. The Dominican Republic's economic structure can be described as a "Social Market Economy". As defined by the German economist Alfred Muller-Armack, *«this economic framework is characterized by its integration of competition, driven by individual initiative, with social welfare and advancement*»[1]. This unique blend, combined with the fact that the Dominican Republic operates as a Social and Democratic State governed by the Rule of Law, wherein the promotion of free competition is a fundamental economic principle, infuses the country's "competition defense model" with a social orientation and the supplementary involvement of the government in economic affairs.

2. The competition defense model in the Dominican Republic fits within the "concurrent administrative model". In this system, there is an administrative authority tasked with investigating and penalizing anticompetitive practices through separate internal entities. Economic actors affected by these actions have the right to seek legal redress in the courts regarding decisions made within the administrative domain. This model, which is the prevailing approach in Spain, served as a reference for the Dominican Republic.

3. In the Dominican model, it's worth highlighting that, as stipulated by Law No. 42-08 of 2008 on Competition Defense, the National Commission for the Defense of Competition (PROCOMPETENCIA) carries out functions related to promoting and advocating for competition, regulation, and traditional enforcement powers typical of market regulatory bodies. This commission is organized into two (2) distinct bodies: The Executive Directorate, which functions as the competition prosecutor, and the Board of Directors, which serves as a kind of administrative tribunal in this matter, have the authority to impose fines.

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1 RIVADENEIRA FRISCH, Social Market Economy, Konrad Adenauer Foundation, Konrad Adenauer Foundation, 2009, p. 9.

4. While the Board of Directors cannot, under any circumstances, award damages, it does have the power to order the cessation of anticompetitive practices. Indeed, as per Article 50 of Law 42-08, every decision issued by the Board of Directors shall include, among other provisions, *"An order for the cessation of practices prohibited by the law within a specified period".*

5. Another characteristic of the Dominican model is that its governing body can oversee agreements or anticompetitive conduct originating outside the Dominican Republic but having an impact on domestic markets. In fact, Article 3, section a) of Law No. 42-08 states: "*Agreements, actions, or behaviors, including those resulting from a dominant position, that originate outside the territory of the Republic, as long as they have restrictive effects on competition within the national territory*".

2. Globalization: Concept and Economic Implications

6. Although there is no unanimous agreement on the precise definition of globalization, it is undoubtedly a multifaceted and interdisciplinary process that shares a common thread: a tendency toward global expansion. In essence, globalization can be perceived as a perspective that interprets societal phenomena from a universal standpoint[2].

7. Looking strictly through an economic lens, globalization is intricately linked with global trade, the fluid movement of production elements, and the potential benefits that can arise when national economies adjust their production frameworks to this new reality[3]. Economic globalization encompasses the elimination of obstacles to free trade and an enhanced integration of national economies[4].

8. In a similar vein, which underscores the economic dimension as the core focus of the phenomenon under scrutiny, the Royal Spanish Academy acknowledges that globalization denotes *"the trend of markets and companies to expand, attaining a global scale that transcends national boundaries"*[5].

9. Much like any other human process, the phenomenon of economic globalization comes with its own set of advantages and disadvantages. Although globalization has not resulted in instantaneous and uniform growth for both affluent and less affluent nations, it has also not translated into the unbridled expansion of a select global elite that exploits the global populace[6].

10. From this vantage point, globalization has primarily favored more prosperous countries, whose growth hinges on technological innovation. Conversely, it has not been

[2] SERNA DE LA GARZA, José María. Impact and Constitutional Implications of Globalization in the Mexican Legal System. Mexico: National Autonomous University of Mexico (UNAM), 2012, p. 49.

[3] Ibídem, p.48.

[4] NODA YAMADA, Carlos Ramón. "Competition Defense Policy in a Globalized World: A Realistic Perspective." Legal Forum: Pontifical Catholic University of Peru (PUCP), 2006, p. 175.

[5] See at: https://www.rae.es/drae2001/globalizaci%C3%B3n

[6] NODA YAMADA, Carlos Ramón. "Competition Policy in a Globalized World: A Realistic Perspective." Op. cit, p. 176.

as advantageous for Latin American nations, as they cannot compete primarily through technological innovation or low-cost labor[7].

11. As demonstrated, globalization has fostered heightened levels of interdependence among national economies through the exchange of goods, services, and production factors.

12. In this emerging global landscape, domestic economic entities no longer possess unequivocal control over markets for goods and services within their respective nations. Conversely, in the age of globalization, national economies continually receive goods, services, and technologies from abroad due to the dynamics of international trade.

13. This global exchange of trade, driven by significant technological advancements, has enabled the dispersion of production, the worldwide integration of value chains, the emergence of new communication and commerce platforms such as the Internet, alterations in logistics and transportation, corporate mergers and acquisitions, and the growth of intangible and virtual production, among other elements[8].

14. Within this global framework, it becomes increasingly apparent that international entities, especially multinational corporations, have amplified their impact on domestic economies. Consequently, conflicts may arise among economic actors from different countries, as the business strategies of foreign companies can collide with domestic competition policies, and domestic practices can, in turn, influence the strategies of international enterprises[9].

15. Taking the above into consideration, competition policy assumes a pivotal role in ensuring the existence of fair and equitable competition in the diverse markets for goods and services that interconnect within economic systems. This is particularly critical in a "market" where domestic firms compete with transnational corporations of varying degrees of technological and business development. Safeguarding fair competition in this scenario is an intricate undertaking.

16. Indeed, the impact of economic globalization on the development of competition policies has been so significant that, currently, it is estimated that approximately 110 countries have adopted competition laws[10].

3. Globalization and Competition Policies

17. As previously mentioned, globalization has simplified international trade by eliminating trade barriers such as tariffs and quotas, thus promoting market openness and economic interdependence. From this standpoint, trade agreements have served as the primary manifestation of this economic interconnectedness.

[7] Ibídem, p.176.

[8] MARTÍN URBANO, Pablo; SÁNCHEZ GUTIÉRREZ, Juan Ignacio. "Competition Policy, Growth, and Globalization." Contabilidad y negocios, 2014, p. 94.

[9] Ibídem, p.94.

[10] Ibídem, p.95.

18. This development has given rise to a multilateral trade system that has acknowledged the relationship between trade and competition policy from its inception[11]. Following World War II, a substantial portion of international trade operated under the regulations of the General Agreement on Tariffs and Trade (GATT) until it was succeeded by the establishment of the World Trade Organization (WTO) in 1995. While GATT primarily concentrated on the trade of goods, the WTO and its agreements encompassed trade in services and intellectual property[12].

19. Following this, the United Nations Conference on Trade and Development (UNCTAD) endorsed the Set of Principles and Rules on Competition in 1980 to regulate restrictive business practices.

20. Starting in 1996, the WTO Ministerial Conference in Singapore initiated the establishment of the Working Group on the Interaction between Trade and Competition Policy. *"The objective was to "examine matters raised by Members regarding the interplay of trade and competition policy, including anticompetitive practices, with the goal of pinpointing areas that may necessitate further attention within the WTO framework"*[13].

21. Subsequently, competition policy was incorporated into the WTO's agenda. The primary aim of competition policy is to foster and uphold equitable and effective competition within markets, while trade policy concentrates on removing trade barriers, such as tariffs and quotas, to streamline the entry of domestic businesses into foreign markets.

22. Both policies complement each other in terms of their objectives. Trade agreements incorporate competition frameworks to ensure that trade liberalization has a positive impact on the well-being of the populace, particularly in developing nations that are more susceptible to anticompetitive conduct.

23. However, trade liberalization may lead to an upswing in mergers and acquisitions, as well as the emergence of international cartels. This highlights the necessity for tools and international organizations capable of addressing anticompetitive practices on a global scale, necessitating increased collaboration among countries. Furthermore, there exists an imbalance in regulatory authority among nations. Corporations with a global presence and a commanding position in the global market are challenging for developing countries with limited economies to regulate effectively. Consequently, the global oversight of specific aspects of competition by international institutions is deemed justifiable.

4. Regional Trade Agreements and Competition Policy

24. The initial competition framework within a trade and integration pact was established in the 1957 Treaty of Rome. This treaty introduced the concept of open competition as a fundamental element of the European Economic Community.

[11] AMEMIA, Mariella. "Competition Policy in International Trade Agreements." Peru and International Trade. Ernesto Guevara/Fabián Novak (editors). Pontifical Catholic University of Peru Press, 2010, pp. 215-242.

[12] See at: https://www.wto.org/spanish/thewto_s/history_s/history_s.htm

[13] See at: https://www.wto.org/spanish/tratop_s/comp_s/history_s.htm

Subsequently, when the common market was finalized in 1992, cooperative arrangements, regulations addressing dominant market positions, and state support were incorporated[14].

25. In a similar vein, the North American Free Trade Agreement (NAFTA) among the United States, Mexico, and Canada incorporates competition policy, albeit without a supranational emphasis. Instead, it centers on adhering to national laws, fostering collaboration among authorities, and promoting the alignment of regulations.

26. Starting in the 1990s, there has been a significant upsurge in the number of regional agreements. Various assessments suggest that the count of these regional agreements falls within the range of 250 to over 300[15]. A majority of these agreements encompass provisions related to the liberalization of services, investments, environmental considerations, and competition, among other areas.

27. Regarding anticompetitive measures within these trade agreements, they exhibit substantial diversity in terms of their character and extent, as indicated by most research findings. A comprehensive analysis of over three hundred international trade agreements conducted by CERNAT led to the conclusion that 141 of the existing agreements include provisions related to competition.

28. Similarly, SOLANO and SENNEKAMP, as cited by AMEMIYA[16], conducted a study of 86 trade agreements from the period 2001-2005 that included anticompetitive measures, as well as cooperation and coordination among competition agencies.

5. Trade Agreements and Competition in Latin America

29. The countries of Latin America and the Caribbean have entered into multiple regional and bilateral trade agreements that promote economic cooperation and trade among the countries in the region. According to the Foreign Trade Information System of the Organization of American States (OAS), Latin America has 4 customs unions, 106 regional and bilateral trade agreements, and 35 active preferential trade agreements[17]. However, countries in the region have opted more for Free Trade Agreements than preferential trade agreements[18].

30. SILVA and ALVAREZ[19] conducted a study of the region's trade agreements to evaluate the competition provisions included in these agreements. They found that between

[14] SILVA, Verónica. "Cooperation in Competition Policy and Trade Agreements in Latin America and the Caribbean (LAC)". Santiago, Chile: Economic Commission for Latin America and the Caribbean (ECLAC), 2005.

[15] CERNAT, Lucian. “Eager to ink, but ready to act? RTA proliferation and international cooperation on competition policy”. Competition Provisions in Regional Trade Agreements: How to Assure Development Gains. New York/Ginebra: UNCTAD, 2005, pp. 1-37.

[16] AMEMIYA, Mariella. "Competition Policy in International Trade Agreements." In Peru and International Trade. Pontifical Catholic University of Peru Press, 2010, p. 223.

[17] See at: http://www.sice.oas.org/agreements_e.asp#EIF

[18] ROSS, César; DINGEMANS, Alfonso. "Free Trade Agreements in Latin America Since 1990: An Evaluation of the Export Dimension." Economic Commission for Latin America and the Caribbean (ECLAC) Journal, No. 108, 2012.

[19] SILVA, Verónica, and ÁLVAREZ, Ana María. "Cooperation in Competition Policies and Trade Agreements in Latin America and the Caribbean: Development and Perspectives." Economic Commission for Latin America and the Caribbean (ECLAC) Journal, No. 73, 2006.

30% and 50% of the trade agreements contained competition policy provisions. There is significant heterogeneity in the specific content of competition policies due to differences in legal systems, levels of development, the degree of integration of the agreement, among other factors.

31. Among the main agreements are the Andean Community of Nations (CAN), the Common Market of the South (MERCOSUR), the Caribbean Community (CARICOM), the Pacific Alliance (AP), the Central American Common Market (MCCA), and the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) with the United States. Competition policies have been incorporated into the agreements of CAN, CARICOM, and MERCOSUR with different approaches. In general, these policies regulate anticompetitive practices, harmonize policies, strengthen national competition agencies, and promote cooperation among them.

32. CAN establishes a supranational competition system with legislation and a community authority that coexists with national competition systems. The Andean Community of Nations has developed a regional framework for the protection and promotion of free competition based on Decision No. 608 of 2005, complemented by the Andean Pact Commercial Liberation Program[20].

33. According to Article 2 of Decision No. 608, the competition policy aims to *"protect and promote free competition in the Andean Community, seeking market efficiency and consumer welfare".*

34. In contrast, Article 7 of Decision No. 608 states that anticompetitive practices include agreements and abuse of dominant positions. Anticompetitive practices with effects in one country are investigated and sanctioned by the national competition authority, and in cases where the conduct has a cross-border effect, it is considered to have a community dimension.

35. CARICOM, on the other hand, has a regional competition framework composed of the Competition Committee responsible for applying competition policies with cross-border character and the Caribbean Court of Justice, which reviews decisions on appeal. Although CAN and CARICOM have regulatory frameworks based on supranationality, in practice, cases are almost non-existent.

36. MERCOSUR, on the other hand, directed its competition policy scheme towards coordinating national competition authorities and did not adopt a supranational framework. The bloc has the Competition Defense Committee (CDC), which is the intergovernmental body of the MERCOSUR Trade Commission responsible for implementing the MERCOSUR Competition Defense Protocol (PDC). The Protocol covers both public and private actions that have an effect on competition and trade among its member countries, specifically addressing the abuse of dominant positions.

37. In conclusion, there is a significant disparity in the content of competition policies among Latin American countries, which poses a challenge for harmonization. The main regional agreements have supranational bodies to investigate and sanction cross-border anticompetitive practices. Nevertheless, greater regional cooperation and coordination are needed to address existing asymmetries.

[20] MIRANDA LONDOÑO, Alfonso. "Competition Law in the Andean Community of Nations - CAN: Analysis and Proposals." Administrative Law Journal, No. 21, 2022.

6. Competition Policy in Bilateral Agreements

38. Bilateral agreements have stimulated competition policies in the region, and all these agreements typically include specific sections addressing unfair competition resulting from practices like antidumping or subsidies.

39. Regarding this matter, an analysis conducted by VERÓNICA SILVA[21], which covered 18 reciprocal bilateral agreements featuring competition policy chapters, reveals that *"over half of the agreements examined contain provisions related to monopolies and state-owned enterprises. In most cases, these provisions follow the NAFTA approach and include detailed regulations in this regard".*

40. Furthermore, the study emphasizes that bilateral agreements exhibit variations in their motivations, approaches, components, and the level of commitment involved. Bilateral agreements differ from agreements with subregional blocs, especially in terms of their treatment of state aid, where they typically incorporate substantial rules aimed at addressing anticompetitive practices by companies. Naturally, negotiating a bilateral agreement is simpler compared to a multilateral one, as the latter involves a more extensive array of factors and circumstances tied to the economic and political disparities among different countries, which can complicate the process of reaching a consensus on shared competition policies.

7. Challenges and Prospects of Globalization and Regionalization for Competition Defense in the Dominican Republic

41. The Dominican Republic has not been an exception to this trend. The influence of the international context on the enactment of Law No. 42-08 on Competition Defense is noted by Dominican jurist Angélica Noboa, who highlights that the "*Dominican state's decision to discuss and approve this legislation was influenced by its signing and ratification of multiple international treaties related to free and fair competition"*[22].

42. From this standpoint, economic globalization played a pivotal role in shaping Dominican competition law. The preamble of Law No. 42-08 on Competition Defense explicitly recognizes this by stating that *"...given the ongoing process of trade liberalization and globalization of economies, coupled with the implementation of the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA), the Dominican state needs a modern legal instrument aligned with this economic reality, one that effectively supports its international trade relations and the productive interests of the Dominican Republic in an environment of free and fair competition".*

43. The promulgation of Law No. 42-08 in the Dominican Republic is thus seen as an institutional response to the forces of economic globalization. This legislation aims, among other things, to create an environment of free competition that encourages foreign investment in the Dominican economy, which is a desirable objective in the context of economic globalization.

[21] SILVA, Verónica, "Cooperation in Competition Policy and Trade Agreements in Latin America and the Caribbean (LAC)." Economic Commission for Latin America and the Caribbean (ECLAC), No. 49, 2005.

[22] NOBOA PAGÁN, Angélica. "Free and Legal Competition in the Dominican Republic (1994-2020)." Santo Domingo and Mexico City: NPA Collection, 2020, p. 68.

44. However, as much as economic globalization has driven the emergence of competition legislation in the Dominican Republic, it also poses challenges to the ongoing development of competition law in the country.

45. In this respect, as globalization has given rise to geographical markets that extend beyond state borders, even reaching a global scale, it is widely recognized that these processes present significant challenges for various national competition authorities[23]. Three key challenges have traditionally been associated with economic globalization and national competition defense policies: 1) the presence of cross-border cartels; 2) the abuse of dominant positions by globally operating companies; and 3) international mergers[24].

46. The significant issue that arises is that, in these scenarios, anticompetitive conduct may affect multiple jurisdictions in diverse ways, and this underscores a limitation in national competition defense legislation: it focuses on penalizing the effects of anticompetitive behavior in the domestic market, as outlined in Article 3, paragraph of Law No. 42-08.

47. To effectively address these challenges, it becomes necessary to involve all relevant competition authorities. However, this is not always feasible due to varying technical capabilities among states for investigating and penalizing such behaviors[25].

48. Comparative law has offered a solution to the problem of conduct leading to anticompetitive effects in different markets: the doctrine of effects. Essentially, this theory posits that even if anticompetitive conduct occurs abroad, if its impact is felt within the domestic market, the national regulations can be fully applied[26]. Another response lies regionally, where several Latin American countries have joined under regional integration agreements. In such cases, a transnational governing body can adopt measures for competition defense, at least for addressing cross-border effects. This is evident in organizations like the Andean Community of Nations (CAN), the Southern Common Market (MERCOSUR), and the Caribbean Community (CARICOM), as previously mentioned in section 5.

49. In Dominican competition law, the "doctrine of effects" is recognized as its model for competition defense. As mentioned earlier, Article 3, section a) of Law No. 42-08 explicitly states that the national regulation applies to agreements, actions, or behaviors originating from outside the national territory, as long as they have restrictive effects on competition within the national territory.

50. However, the doctrine of effects introduces interpretational issues regarding the determination of *"effects"* to establish the applicability of national legislation. In this regard, specific parameters have been developed to identify relevant effects, emphasizing direct, substantial, intentional, and reasonably foreseeable qualifiers[27].

[23] NODA YAMADA, Carlos Ramón. "Competition Defense Policy in a Globalized World: A Realistic Perspective." Op. cit, p. 176.

[24] Ibídem, p.177.

[25] Ibídem, p.177.

[26] GARCÍA-CASTRILLÓN, Carmen Otero. "The Extraterritorial Scope of Competition Law and Its Use as a Trade Measure: American, European, and Spanish Perspectives." European Union and Competition Legal Gazette, No. 212, 2001, p. 27.

[27] Ibídem, p.28.

51. While these parameters are acknowledged in legal doctrine, they may not necessarily be incorporated into competition regulations in various countries. Integrating these methodological tools into the competition defense policies of countries would be a significant step in mitigating the adverse effects that economic globalization might have on the markets of developing nations.

52. In addition to the above, the "doctrine of effects" presents challenges concerning investigation, information collection, and enforcement in other states[28]. Ultimately, a competition authority seeking to protect a national market affected by anticompetitive actions originating abroad may face difficulties in applying its national regulations without access to the required information.

53. Therefore, it is advisable for competition agencies to establish interinstitutional cooperation agreements that facilitate information exchange and assist in investigating anticompetitive actions. In cases where collusive or anticompetitive agreements were formed in foreign countries, the evidence for such agreements likely exists outside the Dominican Republic, and the competition agency lacks the jurisdiction to obtain this crucial evidence or information.

54. Article 31, section s) of Law No. 42-08 provides for the mechanism of interinstitutional collaboration between PROCOMPETENCIA and similar agencies in other countries. It allows PROCOMPETENCIA to *"conclude international cooperation agreements with similar institutions to ensure the achievement of the objectives of this law".*

55. While national competition regulations aim to curb the behavior of economic actors through prohibitive rules, it is essential to acknowledge that proving transnational anticompetitive actions can often be challenging and costly, primarily due to a lack of information and the influence wielded by international companies in shaping local regulations[29].

56. This phenomenon is commonly referred to as "regulatory capture", wherein economic power players influence the decisions of the governing body, limiting its ability to control anticompetitive practices by these companies.

57. Given the limitations of local competition legislation in addressing anticompetitive actions with international effects, there is a need to improve and update the flow of information between competition authorities, enabling swift responses to anticompetitive actions arising in global markets[30].

58. In the case of the Dominican Republic, the challenges presented by economic globalization for competition law are more significant for one straightforward reason: national competition legislation does not account for the prior control of economic concentration, nor does it regulate cross-border mergers. It can only address anticompetitive effects within the country stemming from the abuse of a dominant position by a cartel or economic concentration.

59. While Dominican law has regulatory bodies for overseeing mergers, such as in the telecommunications and banking sectors, these bodies do not assess potential competitive effects. They merely verify whether the legal requirements for business mergers have been

[28] NODA YAMADA, Carlos Ramón. "Competition Defense Policy in a Globalized World: A Realistic Perspective". Op. cit, p. 178.

[29] GERBER, David J. "Global Competition: Law, Markets, and Globalization." Oxford University, 2009, p. 336.

[30] Ibídem, p.336.

met. Urgent legal reform is required in the Dominican Republic to grant PROCOMPETENCIA the authority to proactively monitor mergers and business concentrations in the market.

60. The absence of a regulatory framework for cross-border mergers allows large commercial entities to reorganize their corporations in their home countries without the need to conduct merger operations in their subsidiaries based in the Dominican Republic. This underscores that the current Dominican competition legislation is inadequate to prevent anticompetitive practices resulting from transnational operations, as recognized by legal doctrine[31].

61. Another challenge arising from economic globalization is the emergence of digital markets. The unique characteristics of digital markets necessitate a reevaluation of traditional tools used to define the relevant market in competition law. In this regard, both the European Commission and the Organization for Economic Cooperation and Development (OECD) have stressed the importance of introducing competition parameters other than price to determine the relevant market[32].

62. Furthermore, the advent of digital markets has necessitated a reevaluation of the definition of the geographical market. The traditional concept of the geographical market applies to physical markets. However, it is crucial to consider that in digital markets, goods and services can be accessed at very low costs from distant locations where they are produced[33].

63. To address these challenges imposed by economic globalization, it has been recommended to create a kind of common market in the Latin American region. This would require companies seeking to operate within it to comply with existing competition defense regulations. As Carlos Ramón Roda aptly pointed out, *"international companies would no longer be able to threaten withdrawal from a small national market due to competition regulations that do not align with their interests, given the broad scope of the common market"*[34].

8. Final Reflection

64. The competition defense model in the Dominican Republic presents an intriguing paradox. It originated as a response to the economic globalization process in 2008. However, it now faces challenges and complexities brought about by the same globalization, making it inadequate in ensuring fair and open competition. This is particularly evident due to the disparities between (local and transnational economic actors) and the unique nature of markets, especially digital ones, which defy traditional (geographical boundaries).

[31] MÉNDEZ ARZENO, Camila. "The Need for Merger Control in the Field of Competition Law in the Dominican Republic." Santo Domingo: Judicial Gazette, No. 416, 2023.

[32] ZÚÑIGA DÍAZ, Giuliana. "An Overview of the Analysis of Abuses of Dominant Position in Digital Markets: Current Status and Challenges." Legal Forum: Pontifical Catholic University of Peru, 2021, p. 157.

[33] Ibídem, p.157.

[34] NODA YAMADA, Carlos Ramón. "Competition Defense Policy in a Globalized World: A Realistic Perspective." Op. cit, p. 179.

65. PROCOMPETENCIA, the agency responsible for competition defense in the country, currently lacks the necessary tools and authority to effectively prevent or address anticompetitive practices and competition-detrimental scenarios associated with economic globalization. There is a pressing need for legal reforms to empower PROCOMPETENCIA to better confront these challenges.

66. While international collaboration between similar agencies is a valuable asset, it comes with legal limitations. These agreements, often based on goodwill, lack the legal binding required for efficient collaboration in investigating and administratively penalizing cross-border anticompetitive practices. Furthermore, although the competition agency may be resilient against regulatory capture by economically powerful companies, it still relies on the cooperation of other institutions, both domestic and foreign, that may be vulnerable to such capture. This collaboration presents challenges in case management.

67. The field of competition law has evolved significantly in recent years, with academic research shedding light on the detrimental impact of certain anticompetitive practices under the umbrella of economic globalization. However, implementing these insights into local regulations poses difficulties, as many of these changes necessitate legal reforms and cannot be solely addressed administratively by regulatory bodies. As a result, there exists a disparity between academic doctrine and the practical regulations governing competition defense.

68. The internationalization of competition law and the role of international organizations are instrumental in addressing this global phenomenon. Countries are compelled to reform their competition policies, often enshrined in laws, influenced by international organizations that view free competition as a crucial indicator of a nation's development.

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