

# CLOSER COOPERATION AND COORDINATION IN COMPETITION REGULATION IN ASEAN AND THEIR IMPACT ON TRADE LIBERALIZATION

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## ABSTRACT

*This article looks into the regional implementations of competition regulation in ASEAN and their impact on trade liberalization. The AEC has required ASEAN Member States (“AMS”) to introduce their own domestic competition laws by 2015. At the moment, the ASEAN Regional Guidelines on Competition Policy 2010 serves as a general framework for AMS to introduce, implement, and enforce competition policy and law (“CPL”). However, to date, there is no regional legal framework regulating competition and no regional body overseeing the administration of CPL at the ASEAN level. This article argues that the creation of such a legal and institutional framework for competition is hindered by the lack of consistency between existing competition laws in AMS and the different political, economic and legal environments there. This brings the discussion to the possible results of regionalization of competition regulation in ASEAN — utilization of extra-*

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*territorial power of the individual CRB of AMS and limited level of regional cooperation. This article finds that these outcomes pose several challenges to trade liberalization through the overuse, underuse and disuse of competition law itself and the use of trade defense laws (such as anti-dumping law) that has adverse effects on competition. This article proposes consultation and coordination as the means to minimize the conflicts between competition regulation and trade liberalization and prevent the use of competition regulation as a barrier to intra-ASEAN trade and beyond.*

**KEYWORD:** *competition law, international trade regulation, economic regionalism*