

PREPARATIONS FOR THE 1999 MINISTERIAL CONFERENCE

Trade and Competition

Communication from Poland

The following communication, dated 28 July 1999, has been received from the Permanent Mission of Poland.

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1. Over 70 countries have already enacted competition laws and a number of developing countries are in the process of introducing such laws. In view of the impact of anti-competitive practices on trade, it becomes necessary to develop common principles and rules on competition law and policy.
 2. Development of technology and means of transportation as well as modern methods of management have built a positive climate for emerging of large multinational enterprises.
 3. A globalization of world economy creates new conditions of competition between domestic and foreign companies. The lack of, or insufficient competition laws make it impossible for private firms to deal effectively anti-competitive practises. Due to this fact Poland, like a growing number of WTO Members, fully supports the idea of establishing a multilateral framework on competition policy.
 4. Poland is of the opinion that the WTO is the best forum to start negotiations on this issue. The future possible set of rules should embrace three fundamental principles of the multilateral trading system, i.e. non-discrimination, the transparency principle and national treatment. These disciplines seek generally to improve market access opportunities by eliminating discriminatory actions that cause disturbances in trade and by increasing predictability in the market and in the administrative procedures in the fields of trade in goods, services and trade-related intellectual property rights.
 5. One of the main objectives of such rules should be the promotion of international cooperation in applying competition law against anti-competitive practises in global trade, thereby reducing the risk of conflicts resulting from ex-territorial implementation of such rules. At the same time transactions costs for enterprises will be reduced which, in turn, would contribute to enhancing global economic welfare by expanding international trade and foreign investment.
 6. Finally, Poland would like to underline that cooperation between relevant competition authorities is essential to ensure an effective enforcement of competition law and to avoid the risk of jurisdictional conflicts. Poland believes that cooperation among competition authorities will be an essential component of a multilateral framework on competition policy within the WTO.
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