



Competition policy in the World Trade Organization

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Diploma Thesis from the year 2006 in the subject Law - European and International Law, Intellectual Properties, grade: 1,00, University of Salzburg (Völkerrecht), 97 entries in the bibliography, language: English, abstract: Die vorliegende Diplomarbeit behandelt das Problem der Regelung von Wettbewerbsfragen im Völkerrecht im allgemeinen und in der WTO im besonderen.

In Kapitel 1 werden die wirtschaftlichen Hintergründe und unterschiedlichen Motive für staatliche wettbewerbsrechtliche Regelungen dargestellt. Kapitel 2 stellt verschiedene Tatbestände, die im Wettbewerbsrecht als regelungsbedürftig angesehen werden, vor (z.B. Kartelle, Missbrauch der marktbeherrschenden Stellung, etc.). Kapitel 3 beschreibt nationale Regelungsansätze des Wettbewerbsrechtes einschließlich bilateraler Kooperationsabkommen, die zur Durchsetzung nationaler Regelungen erforderlich sind. Besonderes Augenmerk wird auch auf die unterschiedlichen Rechtskulturen gelegt, die die nationalen Regelungen beeinflussen. Kapitel 4 stellt die bisherigen Regelungsansätze auf internationaler Ebene dar, wobei die auf regionaler Ebene verbindliches Recht darstellen, die auf universeller Ebene allerdings im Bereich des soft laws bleiben.

Kapitel 5 und 6 stellen die Kernkapitel der Arbeit dar und befassen sich mit Wettbewerbsrecht im Rahmen der WTO. In Kapitel 5 werden bestehende wettbewerbsrelevante Regelungen in der WTO dargestellt. Zunächst wird beschrieben, welche staatlichen Maßnahmen, die von der WTO Rechtsordnung erfasst sind, den Wettbewerb beeinflussen. In einem weiteren Schritt wird analysiert, welche WTO Regelungen Staaten verpflichten könnten, privates wettbewerbswidriges Handeln zu regulieren. Da die Regelungen der WTO grundsätzlich Verpflichtungen für Staaten enthalten, wettbewerbsrelevantes Verhalten aber von Unternehmen gesetzt werden, ist es notwendig, einen Zusammenhang zwischen dem Verhalten von Privaten und den staatlichen Verpflichtungen aus dem WTO Recht darzustellen. In Kapitel 6 wird schließlich die Diskussionen in der WTO Working Group on Trade and Competition, und die verschiedenen möglichen Ansätze, wettbewerbsrechtliche Probleme in einem multilateralen Abkommen im Rahmen der WTO zu regeln beschrieben.

In den abschließenden Bemerkungen wird die Wahrscheinlichkeit, in naher Zukunft eine Regelung im Rahmen der WTO zustande zu bringen als gering bewertet, jedoch angeregt, die bereits bestehenden Möglichkeiten im Rahmen der WTO Rechtsordnung auszuschöpfen um insbesondere die diskriminierende Anwendung nationaler Wettbewerbsregelungen zu verhindern.

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