

ABSTRACT

Recent financial crisis has vividly exemplified the globalization of our era and the close interaction of global affairs. In the process of globalization, one of the most significant phenomena may be the shifting of power from public actors to private actors. This means that nation-states are no longer the only protagonists in the international arena. Instead, individuals, firms, NGOs, as well as international organizations all play their roles actively. Among those actors, multinational corporations (MNCs) are indubitably the most remarkable ones.

If it is the raw materials and market that MNCs fight for in the early periods of time, then it is the “standards” that they deem as one of the most significant strategies in global business. It is no doubt that some private standards are designed to protect health, safety and the environment, but some private standards will be used to hurt competitors or potentially cause ultimate harm to consumers, which may have quite adverse effects on international trade.

In this sense, the first key issue in this thesis is to examine MNCs and their private standards under the international legal framework, as well as to analyze the possibility of MNCs’ self-regulating standards in the creation of trade barriers. However, since such kind of private trade barriers are not only “at the border”, but are also capable of transcending the border to potentially cause some adverse effects inside the market. In this regards, competition law is of great relevance to private barriers or private-private conflicts. This thesis thus chooses competition law as a main angle to analyze the problem, but from a global perspective. The global perspective of competition law includes a discussion of both the domestic and the international level, as well as an exploration of opportunities for the formulation of a universal competition law.