



**NANYANG
TECHNOLOGICAL
UNIVERSITY**

E-Commerce & ASEAN Competition Law Cooperation

E-Commerce, ASEAN Economic Integration and
Competition Policy and Law

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Why the need for cooperation in ASEAN e-commerce competition law

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E-Commerce Competition Law

Focus

- International price fixing cartels,
- Export cartels,
- Exclusionary conduct aimed at imports (market access),
- International single firm conduct (single firm conduct that has international effects), and
- International mergers (either transnational mergers or a national merger with significant transnational effects)

The (special) Problems with E-commerce and Online

- Winner-takes-all syndrome
 - Search is now recognised as monopolistic
- Critical role of operating systems and platforms
 - They are the bedrock of the service
 - Network effects
- Invisible power of algorithms
 - Agreements and intention difficult to prove

Other Challenges

- Jurisdictional restraints
 - Subject-matter jurisdiction: origin of conduct
 - Enforcement jurisdiction: permission to enforce
- Multistakeholder process, involving not just government but also business and civil society
 - Necessary for legitimacy
 - But complicates agreement
- Small economies vs Large MNCs

Next Step

- Consultation,
- Cooperation,
- Coordination, and
- Dispute settlement mechanism.