

Applying the Korean Experience to the Development of the Thai Trade Commission

by

Nisit Intamano *

Introduction

It has been thought that industrial policy intervention by government or protectionism would be the best answer to increase competitiveness of the nations in international markets for several decades.¹ After many economic crises passed by, several countries became aware of the drawbacks of protectionism and recognized the importance of implementation of competition law and policies.² Numerous developing countries and transitional economies followed the new trend by enacting the competition law; nevertheless, quite a few countries came across many problems when implementing the competition law.³

* Research Assistant Fellowship and SJD (Candidate) University of Wisconsin-Madison, M.L.I (with distinction Dean's Scholars) University of Wisconsin-Madison, Thai Barrister at Law, LL.M. in Business Law Chulalongkorn University, B.A (Eng) and LL.B Ramkhamhaeng University

¹ The term "industrial policy intervention or Protectionism" is the economic policy of restraining trade between nations, through methods such as tariffs on imported goods, restrictive quotas, and a variety of other restrictive government regulations designed to discourage imports, and to prevent foreign take-over of national companies. See also, Pascal Lamy, *Lamy warns against protectionism amid financial crisis*, WTO NEWS, 24 September 2008, available at http://www.wto.org/english/news_e/sppl_e/sppl101_e.htm; Annys Shin, *WTO Says Protectionism Could Prolong Recession*, Washington Post, March 27, 2009; Page D01, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/26/AR2009032601786.html>

² Kenneth M. Davidson, *Designing Competition Institutions for Transitional Economies*, a paper contributed to the ASEAN Law Institute Conference at National University of Singapore, May 27-28, 2004.

³ The term "transitional economy" is an economy changing from a centrally planned economy to a free market. Transition economies undergo economic liberalization (letting market forces set prices and lowering trade barriers), restructuring and privatizing many states owned enterprises in order to move from public to private ownership of resources. Thomas Wolf, *Determinants of Growth in Transition Countries*, 36 Finance & Development Magazine (1999), by the International Monetary Fund (IMF)

While many developing countries passed competition law during the 1990s, Thailand promulgated the first competition law in 1979, the so-called The Price Control Measure and Competition Act of 1979. The first Thai competition law was enacted because there was a public outcry concerning the monopolies and collusive business practices which were prevalent in Thailand at that time.⁴ The Price Control Measure and Competition Act of 1979 could be divided into two enforcement mechanism, the price control measure and competition measure. The price control measure section was enforced frequently since its mechanism could be triggered whenever there was evidence of unreasonably excessive prices in a particular product. Unlike the first section, the competition provision was more complicated and difficult to enforce due to the lack of experience and ambiguous provisions.⁵ Hence, the enforcement of the Price Control Measure and Competition Act of 1979 lopsidedly stressed price control measure rather than competition provision. The competitive measure seemed to be crippled and could not be effectively implemented since there was merely one case that had been enforced by competition measure.⁶

After two decades of enforcement the first competition law, Thailand learned that it is necessary to improve competition policies by separating competition provisions from price control measure so as to effectively prohibit the restraint of competition. Therefore, the Price Control and Anti-monopoly Act of 1979 had been repealed and replaced by the Thai Trade Competition Act of 1999 and the Price Control Act of 1999.⁷ The new competition law received extensive public attention from the outset. Thai people anticipated that the new act would be the powerful yardstick and effective tool to eliminate monopoly and unfair business practices that have exploited consumer welfare for several decades.

At the end of the first year of enacting the new act, the Trade Competition Commission (TCC) received two significant cases that violated section 25 of the Trade Competition Act: the

⁴ Tongkittipaporn Vipoon, *The Enforcement of Competition law in Thailand*, Master of law Graduated thesis faculty of law Chulalongkorn university, pp. 251-256 (in Thai) (1982)

⁵ Sakda Thanikul, *Capacity Building for Effective Enforcement THAILAND*, a paper presenting at the APECT Training Program On Competition Policy August 6-8, 2002, Bangkok, Thailand

⁶ Ibid.

⁷ Government Gazette Volume 116, Section 22 A, March 31st 1999. According to Professor Supanit, a member of the team drafting the new Trade Competition Act, the adoption of the new act was a mandatory undertaking of the Thai government to fulfill the obligation in the new Constitution of Thailand of 1997., available at http://www.jftc.go.jp/eacpf/02/thailand_r.pdf

allegation of unfair trade practices in the cable business (UBC case) and the allegation of a tying arrangement in whiskey and beer (Chang Beer case).⁸ After six months of the investigation, the TCC ruled that although business practices by both defendants were illegal, they were merely inappropriate and did not violate the Trade Competition Act of 1999.⁹ Additionally, there was only a handful of decisions rendered by the Commission even though a myriad of complaints had brought to the office of Trade Competition Commission.¹⁰ Academic as well as people on main street criticized the workings of the Commission. As a result, the public seemingly lost faith in the implementation of the Trade Competition Act of 1999 which would effectively handle the chronic problems of monopoly and illegally collusive business practices in Thailand.

I. The Implementation of Competition law in South Korea

Similar to Thailand's Constitution, the Constitution of the Republic of Korea indicates and mandates Korean government to promote the principle of a market economy and free competition.¹¹

⁸ Subcommittee Investigation Report on the cases of complaint on Discrimination in the beer and whiskey business (2000), Trade Competition Commission, Department of Internal Trade, Ministry of Commerce, Bangkok (in Thai).

⁹ The Trade Competition Commission ruled that the two allegations were merely inappropriate but could not technically violate the Trade Competition Act of 1999. The Commission gave the reason that the cabinet had not yet announced the ministerial notification on the threshold of market dominant; therefore, the defendants could not technically violate section 25 of the Trade Competition Act of 1999. See, Nipon Poapongsakorn, *The new Competition Law in Thailand: Lessons for Institution building, Review of Industrial Organization*, (Netherlands; Kluwer Academic publishers, 2002), p. 185.

¹⁰ Mark Williams, *Competition Law in Thailand: Seeds of success of Fated to fail*, World Competition, Netherlands; Kluwer Law International, 2004.

¹¹ Korean Constitution Chapter 9 Article 119 paragraphs 2 stated that "the State may regulate and coordinate economic affairs in order to maintain the balanced growth and stability of the national economy, to ensure proper distribution of income, to prevent the domination of the market and the abuse of economic power and to democratize the economy through harmony among the economic agents." This provision provides legal ground to enact the Monopoly Regulation and Fair Trade Act of 1980, Available at <http://www.ccourt.go.kr/home/english/welcome/republic.jsp>; Article 87 of Thailand Constitution of 1997 states that "the State shall ensure a free economic, supervise fair competition, protect consumers, and prevent direct and indirect monopolies. The State needs to repeal and rephrase laws and regulations which do not correspond with economic necessity. Finally the State shall not engage in an enterprise in competition with the private sector unless it is necessary for the purpose of maintaining the security of the State, preserving common interests, or providing public utilities." Available at <http://www.krisdika.go.th/lawHtmStaticContent01.jsp?frm=tmp&page=eng&lawType=law1&lawCode=%c306&lawID=%c306-10-2540-a0001>.

However, Korean's market structure was noncompetitive until the competition law and policies were brought to the public's attention after the Korean oil crisis in 1974.¹² To tackle the intrinsic problems of severely distorted market mechanism which caused rampant imbalance of supply-demand in many markets, the Korean government enacted the Price Stabilization and Fair Trade Act in 1975.¹³ Coincidentally, this act in some degree is analogous to the Thai Price Control Measure and Competition Act of 1979.

Similar to the implementation of the first Thai competition law, the enforcement agency of the Price Stabilization and Fair Trade Act of 1975 preferred to enforce the price stabilization measure rather than fair trade provision. However, the ramifications of extensive price stabilization measure caused an adverse effect to the free competition in the market by severely distorting market mechanisms.¹⁴ In order to handle the above mentioned problems and restore competition, the Korean government repealed the Price Stabilization and Fair Trade Act of 1975 and enacted the Monopoly Regulation and Fair Trade Act in 1980. Concurrently, the Korean Fair Trade Commission (KFTC) was established by the new competition act as an administrative organization enforcing the act. It is worth noting that the new act is considered the cornerstone of competition law to level the playing field for all business entities in the market. Furthermore, the effective implementation of the law by the KFTC plays an important role by monitoring the market, investigating complaints, and creating a comprehensive set of new rules for free and fair competition in Korean market economy.

II. Historical development of the competition law in South Korea

In the late 1960s, more and more transitional economies decided to launch the economic development plan with intensively growing protectionism.¹⁵ Similar to many transitional economies, the Korean government employed strong prevention policies by tightly controlling imports and

¹² Kyu Uck Lee, *Economic Development and Competition Policy in Korea*, Washington University Global Studies Law Review, APEC Competition Policy and Economic Development, (2002)(also cite as: 1 WAUGSLR 67)

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Youngjin Jung and Seng Wha Chang, *Korea's Competition Law and Policies in Perspective*, Northwestern Journal of International Law and Business, Symposium on Competition law and Policy in Developing Countries, p. 2. (2006) (also cite as: 26 Nw.J.int'l L.& Bus.687)

providing huge financial support as well as tax incentives for domestic entities engaged in export business.¹⁶ The Korean government decided to focus its industrial policies to heavy manufacturing industries and heavy chemical industries by enacting many laws and regulations to bolster these particular industries.¹⁷ As a result, the economic growth was steeply rising after ten years of the first economic development plan.

During 1970s, the Korean government continuously supported significant financial aid and tax incentives toward a large number of heavy manufacturing industries. Consequently, the economic growth of Korea at that period had been increasing at approximately ten percent.¹⁸ Nonetheless, the substantial high rate of economic growth had its price. The Korean domestic market structure became noncompetitive owing to the imbalance of economic efficiency which led to the high concentration of many major industries in the market.¹⁹ Ultimately, the principle of competition policy came to the attention of the Korean government and public after the oil crisis in 1974.²⁰ The harsh distortion in market mechanism caused the imbalance of demand and supply in many markets. To deal with those problems, the Korean government enacted the Price Stabilization and Fair Trade Act in 1975.²¹

Likewise to the Thai Price Control Measure and Competition Act of 1979, the Korean Price Stabilization and Fair Trade Act of 1975 can be divided into two enforcement measures, the price control measure and competition measure. According to the Korean competition act of 1975, the Korean enforcement agency could opt to employ either price control measure or fair trade

¹⁶ Ibid.

¹⁷ Ibid, such as the Industrial Machinery Promotion Act of 1967, the Shipbuilding Promotion Act of 1967, the Electrical Industry Promotion Act of 1969, the Steel Industry Promotion Act of 1970, and the Petrochemical Industry Promotion Act of 1970. Further information available at South Korea – Economic Plan at <http://www.country-data.com/cgi-bin/query/r-12300.html>

¹⁸ Ibid., P.3.

¹⁹ Ohseung Kwon, *Applying the Korean Experience with Antitrust Law to the Development of Competition Law in China*, Washington University Global Studies Law Review, Chinese Anti-Monopoly law, p 1 (2004) (also cite as: 3 Wash. U. Global Stud. L. Rev. 347)

²⁰ Ibid., P.2.

²¹ Supra note 16, p. 2., the call for the legal remedies for the economic distortion gained wide public support. However, the attempt to enact competition law failed with the strong opposition from businesses. Since 1960s, there had been four attempts to enact the competition law in 1964, 1966, 1968 and 1971.

measure. Similar to Thailand, the Korean enforcement agency preferred to employ the first measure by designating the target products and controlling the price.²² Although the act went well in Korea, the successful implementation of the Price Stabilization and Fair Trade Act of 1975 severely undermined and distorted the free trade policies in the market by deteriorating the quality of products and creating high excess of demand.²³ After learning the lesson, the Korean government pushed forward an effort to support competition policy by repealing the Price Stabilization and Fair Trade Act of 1975 and replacing the Monopoly Regulation and Fair Trade Act in December, 1980.²⁴

In 1981, the KFTC was newly established under the Economic Planning Board. This was considered as a significant step of the Korean government to shift the direction from strong protectionism into free market perspective by establishing a national competition law and an enforcement agency. At this stage, the KFTC chaired by the Vice Minister of the Economic Planning Board and Fair Trade Office was established under the Economic Planning Board office.²⁵ The KFTC focused on correcting unfair trade practices such as false and exaggerated advertising, undue discount sales and unfair subcontract transactions.

In 1984, the Fair Subcontract Transaction Act was enacted and empowered the Korean Fair Trade Commission to level the playing field between large firms and Small-Medium-Enterprises (SMEs). Later, the KFTC began to tackle the unfair trade practices by Chaebol's owners, who sought to use circular shareholding as a means to expand their control of corporate

²² Danny Abir, *Monopoly and Merger Regulation in South Korea and Japan: A Comparative Analysis*, International Tax and Business Lawyer Journal (1996), p 8 (also cite as: 13 Int'l Tax & Bus. Law. 143)

²³ Supra note 13, P. 3.

²⁴ The Monopoly Regulation and Fair Trade Act of 1980 article 1 clearly identify the purpose of the act by stated as following: this Act seeks to promote fair and free competition such that creative enterprising activities are fostered, to protect consumers, and to strive for the balanced development of the national economy by preventing the abuse of market dominance by enterprisers and excessive concentration of economic power and by regulating improper cartels and unfair business practices. The full text of the Monopoly Regulation and Fair Trade of 1980 is available at <http://eng.ftc.go.kr/legislation/statutes/monopoly.jsp>

²⁵ Seung Wha Chang, *the Role of Law in Economic Development and Adjustment Process: The Case Of Korea*, International Lawyer Journal, (2000) (also cite as: 34 INTLLAW 267)

affiliation.²⁶ The Commission also initiated regulatory reform in 18 industries including distilleries and oil refineries. Furthermore, for the sake of consumer protections, a large number of law and regulations concerning consumer welfare had been enacted and enforced by the KFTC.²⁷

In 1990, the second amendment to the Monopoly Regulation and Fair Trade Act was announced to enhance the effectiveness of its enforcement agency by reorganizing the Trade Competition Office. The primary purpose of the second amendment of the act was to increase independence from government intervention as well as raising expertise of officers and commissioners. According to the amendment, the new Fair Trade Secretariat as well as 11 General Counsels would be established to be in charge of administrative work of the Commission.²⁸ Moreover, the second amendment also rearranged the structure of the Commission. The new structure of the KFTC is composed of nine commissioners including the chairman of the vice ministerial level, vice chairman, three standing commissioners and two non-standing commissioners. Commissioners serve their position for three years and can be reappointed one additional time. The reorganization of the KFTC succeeded in enhancing its power to monitor and supervise the market more effectively and deliberate cases more prudently.

In 1994, the KFTC was liberated from the Economic Planning Board and was independently recognized as a central administrative agency under the ordinance of the Prime Minister.²⁹ In 1996, the Commission became an independent central government agency on ministerial level.³⁰ Moreover, another unique feature of the KFTC is to require other government authorities to consult with the KFTC before making amendments or enacting new laws or

²⁶ Chaebol, derived directly to the government policy during 1960s, is a powerful conglomerate business group which control economic power in a particular market in Korean such as Hyundai, and LG. Indeed, the first amendment of the Monopoly Regulation and Fair Trade Act, the government introduced a regulation to control the concentration of economic power by prohibiting cross Chaebol shareholding and imposing the ceiling of other domestic companies.

²⁷ Supra note 16, pp. 6-7.

²⁸ The KFTC comprised of 6 bureaus, 25 divisions, 6 general counsels and 4 regional offices.

²⁹ Monopoly Regulation and Fair Trade Act, Article 35(1)

³⁰ The status of the Chairman of the Korean Fair Trade Commission was elevated to ministerial level from the vice-ministerial. Thus, the status of the Korean Fair Trade Commission was enhanced to a de-facto central ministerial agency mandated with the enforcement of competition policy.

regulations that may restrain competition law and policies. Interestingly, from 1981-2000, government authorities consulted with KFTC on 3,789 proposed alterations and legislations.³¹

Up until now, the Korean competition law and policy evolved with the development of market economy and has effectively bridged the gap between developed and developing countries. The constant amendments of the Monopoly Regulation and Fair Trade Act can be served as evidence that competition law and policy in Korea has been consistent development.

III. The Korea Fair Trade Commission

The Korea Fair Trade Commission is a ministerial-level central administrative organization under the authority of the Prime Minister and also functions as a quasi-judiciary body. The KFTC consists of nine commissioners, who deliberate and make decisions on competition and consumer protection issues.³² The Chairman and Vice-chairman are recommended by the Prime Minister and appointed by the President.³³ The other remaining commissioners are recommended by the Chairman and appointed by the President with three-year terms of office.³⁴ The KFTC has exclusive rights to decide whether any illegal activities should be punished under criminal law or not. The KFTC has a secretariat whose primary function is to be in charge of drafting competition policies, investigating antitrust issues and handling them according to the committee's decision.³⁵

Besides, after the parliament passed many laws to empower the KFTC to deal with consumer protection problems, the KFTC is now widely supported by the public and has continuously worked hand in hand with consumer groups.³⁶ Since 1999, through the organization of

³¹ Monopoly Regulation and Fair Trade Act, Article 63

³² Monopoly Regulation and Fair Trade Act, Article 37 (1)

³³ Monopoly Regulation and Fair Trade Act, Article 37 (2)

³⁴ Monopoly Regulation and Fair Trade Act, Article 39

³⁵ Monopoly Regulation and Fair Trade Act, Article 47

³⁶ The Fair Subcontract Transaction Act 1984, The Fair labeling and advertisement Act 1999, the Adhesion Contract Regulation Act 1986, The Door to door Sales Act 1999 and Direct Sale and Installment Transaction Act 1999. In addition, Fair Trade Commission launched online consumer consultation body and created "Cyber Policy Review term" consisting of 100 experts in various fields, joining policy making process through internet and "Fair Trade Monitoring System" where the KFTC can collect information on unfair trade closely to people's life

consumer policy consultation meeting, the KFTC has strengthened its cooperation with a large number of consumer groups.

According to a speech of Mr. Yong-Ho Baek, the present chairman of the KFTC, the KFTC performs its roles and duties independently without any intervention from an outside organization.³⁷ He also pointed out four main designated targets that the KFTC strived to achieve are promoting competition, strengthening consumers' rights, creating a competitive environment for Small and Medium Enterprises (SMEs) and restraining concentration of economic power.³⁸

IV. The qualifications of appointed standing and non-standing commissioners

Unlike Thailand that takes for granted the independent structure and qualifications of the competition commissioners, the Korean Monopoly Regulation and Fair Trade Act set a high standard for candidates of the commissioners.³⁹ The personal judgment from long term experience and expertise in competition theory is indispensable for a candidate since the Fair Trade Commissioner has to make a decision in a reasonable way to rule on cases which later become a precedent for the further complaints.⁴⁰

Accordingly to the Korean Monopoly Regulation Fair Act, both standing and non-standing commissioners must reach the minimum standard threshold of one of the following: 1) Public officials of Grade 11 or higher with experience in monopoly regulation and fair trade; 2) Judges, prosecutors, or attorneys with a minimum of fifteen years experience; 3) Associate professors, professors, or the equivalent at certified research institutes with a minimum of fifteen years

³⁷ Message from Chairman of Korean Fair Trade Commission, available at <http://eng.ftc.go.kr/about/message.jsp>

³⁸ Ibid.

³⁹ According to article 6 of the Thai Trade Competition Act of 1999, The Commission consists of four standing members and eight to twelve non-standing members. The four positions for standing members consist of the Minister of Commerce as Chairperson, Permanent-Secretary of Ministry of Finance as Vice-Chairperson, Permanent-Secretary of Ministry of Commerce as Vice-Chairperson and the Secretary-General of Department of Trade as a Secretary of the Trade Competition Commission. The non-standing members consist of eight to twelve persons appointed by the Council of Ministers. The candidates of non-standing members must be qualified persons with knowledge and experience in law, economics, commerce or public administration. At least one-half of the non-standing members must be appointed from the private sector (the Thai Chamber of Commerce and the Industry Association of Thailand).

⁴⁰ Supra note 23.

experience and who majored in law, economics, or business administration at their respective universities; and 4) Business managers or individuals engaged in consumer protection activities with a minimum of fifteen years experience.⁴¹

Conclusion

In a case of Thailand, the first priority is to enhance the implementation of competition law in Thailand by creating an independent and accountable Trade Competition Commission. It is indispensable that the competition law must accompany with a robust enforcement agency to painstakingly handle monopolies and unfair business practices. At this moment, Thai Trade Commission (TCC) works only on a part-time basis and the Office of Trade Commission is still established under the Department of Internal Trade, Minister of Commerce. By comparing to the second amendment of the Korean Monopoly Regulation and Fair Trade Act in 1990, Thai government should consider an amendment of the Trade Competition Act to reorganize the structure of the TCC as well as upgrade the Office of Trade Competition Commission. Furthermore, there are quite a few lessons that Thailand could learn from Korean's experience as following;

First, the current structure of the TCC is vulnerable for a political intervention. The Thai Commission is composed of sixteen members: four standing commissioners and eight to twelve non-standing commissioners. The Chairperson, one of the standing commissioners, is the Minister of Commerce. Hence, there is likelihood that the Minister of Commerce, the head of Commission, may be succumbed to political intervention.

In addition, the rest of the standing commissioners are high-ranking bureaucrats who are already overloaded with work and meetings.⁴² Hence, the standing members who are politician or high-level bureaucrats should be removed. Moreover, the appointment of the Chairperson and Commissioners should require the consent of the Houses of Representative and the Senate. For reasons of accountability, the Commission should submit an annual report to Houses of

⁴¹ Monopoly Regulation and Fair Trade Act, Article 37(2) sub (1)-(4)

⁴² Article 6 of the Thai Trade Competition Act of 1999, the Permanent Secretary for Commerce (Vice Chairman), the Permanent Secretary for Finance (Vice Chairman), and the Department of Internal Trade (Secretary General of the commission)

Representative and the Senate describing the annual situation of enforcement of the Competition Act.⁴³

Second, currently the TCC is composed of sixteen members with six members directly delegated from the private sector. Currently, there are three representatives from the Federal of Thai Industry and three representatives from the Thai Chamber of Commerce. This leads to the problem concerning conflict of interest.

Third, there was skepticism about the expertise of the Commission since the minimum standard of expertise was not sufficient to handle the complicated allegations. At the present, according to the law, the minimum standard of candidates for the Commission is merely to graduate with a bachelor degree in law, economics or business administration and has experience working in these fields for more than five years. In contrast to other developed countries, expertise and experience are considered as prerequisites for appointing a competition commission member. Therefore, it is important to increase the qualifications of a qualified candidate by stipulating higher standards. By comparing to other countries, a minimum standard of fifteen years of experience should be set forth in the second amendment of Thai Trade Commission Act.

Finally, the TCC should be authorized to be in charge of consumer protection issues. This would encourage public awareness and expand the capacity of the Commission. From experience in Korea, the United States and Japan, consumer protection is one of the main tasks for the Commission where public can rely on and in turn support the Commission.

⁴³ This suggestion is similar to the proposal of Professor Jakrit Kuanpod, a renowned intellectual property law, to change the structure of enforcement agency in many intellectual property acts such as Thai Patent Act, Thai Consumer Protection Act, Protection of Agricultural product Act. These kinds of combination structure of commission, including politician and high ranking bureaucrats, commonly appears in many laws. Jakrit Kuanpod, *the conflict of interest in Thai Trade Competition Act*, BangkokBiz News report at June 7, 2004 <http://www.bangkokbiznews.com> (In Thai), See also Woranuj Maneerungsee, *Meddling Seen in Trade Competition Law in Thailand*, Bangkok Post, available at http://www.accessmy library.com/coms2/summary_0286-6773524_ITM

BIBLIOGRAPHY

Annys Shin, WTO Says Protectionism Could Prolong Recession, Washington Post, March 27, 2009; Page D01, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/26/AR2009032601786.html>

Danny Abir, *Monopoly and Merger Regulation in South Korea and Japan: A Comparative Analysis*, International Tax and Business Lawyer Journal (1996), (also cite as: 13 Int'l Tax& Bus. Law. 143)

Jakrit Kuanpod, *the conflict of interest in Thai Trade Competition Act*, BangkokBiz News report at June 7, 2004 <http://www.bangkokbiznews.com> (In Thai).

Kyu Uck Lee, *Economic Development and Competition Policy in Korea*, Washington University Global Studies Law Review, APEC Competition Policy and Economic Development, (2002) (also cite as: 1 WAUGSLR 67)

Kenneth M. Davidson, *Designing Competition Institutions for Transitional Economies*, a paper contributed to the ASEAN Law Institute Conference at National University of Singapore, May 27-28, 2004.

Mark Williams, *Competition Law in Thailand: Seeds of success or Fated to fail*, World Competition, Netherlands; Kluwer Law International, 2004.

Nipon Poapongsakorn, *The new Competition Law in Thailand: Lessons for Institution building*, *Review of Industrial Organization*, (Netherlands; Kluwer Academic publishers, 2002), p. 185.

Ohseung Kwon, *Applying the Korean Experience with Antitrust Law to the Development of Competition Law in China*, Washington University Global Studies Law Review, Chinese Anti-Monopoly law (2004) (also cite as: 3 Wash. U. Global Stud. L. Rev. 347)

Pascal Lamy, *Lamy warns against protectionism amid financial crisis*, WTO NEWS, 24 September 2008, available at http://www.wto.org/english/news_e/sppl_e/sppl101_e.htm

Sakda Thanikul, *Capacity Building for Effective Enforcement THAILAND*, a paper presenting at the APECT Training Program On Competition Policy August 6-8, 2002, Bangkok, Thailand.

Seung Wha Chang, *the Role of Law in Economic Development and Adjustment Process: The Case Of Korea*, International Lawyer Journal, (2000) (also cite as: 34 INTLLAW 267)

Subcommittee Investigation Report on the cases of complaint on Discrimination in the beer and whiskey business (2000), Trade Competition Commission, Department of Internal Trade, Ministry of Commerce, Bangkok (in Thai).

Thomas Wolf, *Determinants of Growth in Transition Countries*, 36 Finance & Development Magazine (1999), by the International Monetary Fund (IMF)

Vipoon, *The Enforcement of Competition law in Thailand*, Master of law Graduated thesis faculty of law Chulalongkorn university, pp. 251-256 (in Thai) (1982)

Woranuj Maneerungsee, , *Meddling Seen in Trade Competition Law in Thailand*, Bangkok Post, available at http://www.accessmy library.com/coms2/summary_0286-6773524_ITM

Youngjin Jung and Seng Wha Chang, *Korea's Competition Law and Policies in Perspective*, Northwestern Journal of International Law and Business, Symposium on Competition law and Policy in Developing Countries (2006) (also cite as: 26 Nw.J.int'l L.& Bus.687)





ISSN-1906-425X



ราคา 125 บาท

คณะนิติศาสตร์ มหาวิทยาลัยนเรศวร

99 หมู่ 9 ถนนพิษณุโลก-นครสวรรค์ ตำบลท่าโพธิ์ อำเภอเมือง จังหวัดพิษณุโลก 65000

โทรศัพท์ 0-5596-2147-8 โทรสาร 0-5596-2147