

The Third Wave of Globalization in Competition Policy

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Core Argument

- Globalization of competition policy did not evolve linearly.
- It moved through **three waves**, each marked by its own dynamics, actors, and institutional logic.
- The proposed framing presents globalization as a contested process and the third wave as an opportunity to turn fragmentation into democratic experimentation.

First Wave

1990s | U.S.
leadership

- Competition policy spread globally under U.S. influence.
- Linked to the Washington Consensus.
 - Liberalization and privatization, leveraging Chicago School assumptions about efficiency and restrained state intervention.
- International cartels and transnational mergers became key topics in which competition policy acquired a global dimension in this wave.
 - Exporting leniency policies
 - Efforts to coordinate multi-jurisdiction mergers

Second Wave

2000s | International Networks

- Growing U.S.–EU rivalry created space for greater transnational coordination.
- International networks became central hubs for convergence among the regimes that had spread during the first wave.
 - OECD, ICN, UNCTAD, and the failed WTO initiative.
- These networks promoted shared standards, technical training, peer review, and active policy-shaping efforts.
- The search for “best practices” turned competition policy into a global conversation among experts, authorities, and international institutions.

Second Wave

2000s | International Networks

- OECD: recommendations, background notes and repeated peer reviews turned “best practices” into concrete reform agendas.
- ICN: recommended practices, manuals and toolkits created soft pressure for convergence without formal binding rules.
- UNCTAD: model law, technical assistance and voluntary peer reviews helped diffuse competition policy in developing countries.
- WTO: the failed competition agenda showed the political limit of hard harmonization - convergence worked better as soft coordination.

Third Wave

Mid-2010s onward | Fragmentation, Uncertainty and Experimentation

- A more conflictual and less consensual environment is reshaping the globalization project in competition policy.
 - New concerns (digital markets, sustainability, labor, privacy, and inequality) created challenges with no obvious “right answer.”
- Jurisdictions began experimenting with different tools, priorities, and institutional designs.
- No single dominant model now structures the field. Instead, global competition policy has become more kaleidoscopic, with multiple centers of influence and competing regulatory approaches.

Third Wave

Mid-2010s onward | Fragmentation, Uncertainty and Experimentation

- Digital regulation: the EU's DMA, Germany's Article 19a, the UK's DMCC Act, and proposals in Brazil, India, Japan, Australia, South Africa and the U.S. show different institutional paths.
- Platform conduct: MFN clauses in online travel platforms generated different theories of harm and remedies across European authorities.
- Global merger review: Microsoft/Activision and Gaia-X/Catena-X show how authorities may diverge in transnational matters.
- New policy interfaces: sustainability, labor, privacy and inequality increasingly push competition authorities in different directions.

Challenges of the Third Wave

- Fragmentation can be productive, but also risky.
- Regulatory divergence may generate more conflict between jurisdictions.
- Geopolitical pressure and unilateralism can turn pluralism into coercion in asymmetrical relations.
- Weak coordination can leave transnational harms insufficiently addressed.

A Democratic Possibility for the Globalization of Competition Policy (Normative Perspective)

- The third wave may also support a more democratic globalization.
- Coordination should focus only on genuinely cross-border problems, such as global commons and beggar-thy-neighbor harms.
- Instead of rigid harmonization, global governance should foster coordinated diversity: shared objectives, local discretion, and mutual learning.
- Global South experiences should be treated as sources of legal and institutional innovation, not merely as peripheral examples.

A Democratic Possibility for the Globalization of Competition Policy (Normative Perspective)

- COMESA: regional authority leads when conduct has regional effects; national authorities keep control over predominantly local matters.
- BRICS digital agenda: common principles can be discussed without imposing a single binding model across different legal traditions.
- Global South learning: Brazil's experience with competition and inflation, and South Africa's experience with inequality, can feed OECD/ICN/UNCTAD debates as sources of innovation, not exceptions.

Final Thoughts

- The future of global competition policy is open.
- Global competition policy may become more conflictual, aggressive, and fragmented.
- But it may also support a more experimental, pluralistic, and democratic global order.
- The challenge today is not to restore convergence, but to govern diversity in a positive direction.

Thanks!

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