

L'utilisation abusive de la politique commerciale comme substitut de la politique de concurrence internationale affaiblit le système commercial multilatéral et, outre ses effets négatifs sur les relations bilatérales, pourrait bien entraîner une certaine forme de dé-mondialisation si les grands pays commerçants se replient sur une politique commerciale défensive. Ainsi, la réémergence des préoccupations devant le phénomène de la cartellisation internationale devrait donner un signe positif à ceux qui veulent développer un système commercial basé sur des règles plus exhaustives.

Dans le contexte de l'ALENA, la question des cartels pourrait être utilisée pour susciter un réexamen du rôle à long terme de la politique de concurrence dans l'intégration au niveau de la zone de libre-échange, et aussi un réexamen de la façon dont la politique de concurrence encourage cette intégration à l'appui des forces du marché.

Executive Summary

Many countries have permitted and sponsored export cartels of certain sorts which are seen to be in the public interest. Most industrial countries, including the United States, Japan and Canada, permit export cartels by exempting them from the discipline of domestic competition law. In theory, from a narrow national point of view, this may make some sense. If corporations of a country occupy a powerful position in international markets, that country can enhance its national income by exempting an export cartel from the normal purview of competition policy.

However, with all major countries following such strategies, the overall effect must be some net loss for most of them. Trade and competition policies are interrelated. Consequently, the effects of competition policy spill across national borders. The integration of the world economy makes it increasingly difficult to ignore constraints on movement across borders and attempts to shift profits from one country to another.

Recently, some leading trade and competition policy analysts have argued against the exemption that export cartels are accorded in individual national competition and antitrust laws. However, there is also a trend toward broadening exemptions for export cartels. For example, the Export Trading Company Act of 1982 in the U.S. and the Competition Act of 1986 in Canada have broadened the scope of export cartels. Not to be outdone, Japan limits the reach of its competition policy by tolerating a variety of cartels, including export cartels.

This Paper seeks to address the following questions: How do export cartels affect trade? What is their significance in international trade and, more broadly, for international trade policy? What is the effect of export cartels on corporate pricing strategies?