

**Name of thesis:** Special regulation of obligations between food suppliers and clients

**Abstract**

The thesis addresses the issues connected to Act No. 395/2009 Coll., on significant market power in the sale of agricultural and food products and abuse thereof. The Act applies to obligations between suppliers of food products and buyers with such market power which allows them to use disadvantageous business conditions towards their suppliers, abusing their power. The Act's impact on the business relationships between suppliers and buyers in particular is considered as well as the conflict between the principles of protection of weaker contracting party and contractual freedom. The first chapter contains an analysis of the supplier-buyer relationship and the food market which serves as its platform. Beside the definition of food products, the chapter contains characterization of both parties, the evolution of the food market over time and evaluation of the capability of both suppliers and buyers to affect the conditions of their relationship. The second chapter deals with the Significant Market Power Act itself, particularly its purpose, circumstances of its adoption and the subsequent reactions of the interested parties and the public. The process of the Act's amendment in 2016 is described as well as the changes it brought. The Act's compliance with the constitutional order is contemplated, with regard to the filed motion for annulment of the Act and the objections of buyers to decisions of the supervisory office, followed by the analysis of the concept of significant market power, its assessment and the two different approaches to the concept (absolute and relative). The chapter also includes a comparison of significant market power and dominant position and the introduction of the buying alliance as a subject which can potentially achieve significant market power. The fourth chapter describes the particular practices which can constitute the abuse of significant market power. The list of forbidden behaviours is accompanied by examples from business practice. The harmful influence of such practices on the market and on suppliers is evaluated. The chapter contains a statistic of sanctions given for the abuse of significant market power since the Act was adopted. In its conclusion, the thesis evaluates the Act with regard to its benefits so far, its strengths and weaknesses and its future potential.

**Keywords:** significant market power, weaker contracting party, food market