

Program of Study: Theoretical Legal Sciences - European Law

Dissertation topic: Competition Law Aspects of the EU Trade Agreement with Peru and
Colombia

Student: Mgr. Martin Krčmář

Dissertation Abstract

The aim of this dissertation is to analyse the Competition Law provisions of the Trade Agreement between the European Union, Peru and Colombia (Agreement) and to assess their relevance and expectations related therewith. Within the text of this dissertation I provide general explanation on the role of the Competition Law provisions in international free trade agreements and reasons for including them in this type of international arrangements. Likewise, in the initial part of this work I provide a brief overview concerning the characteristics of the Agreement and its place in the EU legislation hierarchy with regard to its content, bodies responsible for the negotiation and an involvement of the Member States in the final approval thereof.

Given the general aspect of individual Competition Law provisions of the Agreement I have focused on providing a detailed analysis on every single provision in question. I took the specific character of all jurisdictions involved as well as their geopolitical and socio – economic environment as a main starting point for this work. By signing the Agreement, the signatories have taken on certain commitments which require adopting or/and conserving certain national legislation standards. For the purpose of good understanding of what could be expected from each party to the Agreement I refer to and make a comparison of their competition legislations in force, besides I comment on how this is reflected in current situation on their markets. In this respect I include a separate chapter referring to and analysing a sound volume of signatories' case law.

Apart from the description of basic sub-areas of Competition Law such as Merger Control, Abuse of Dominance and Cartels I put a particular emphasis on the comparison of the vertical restrictions policies as well. I have decided to dedicate one specific chapter of the work to this topic since a far greater complexity of identifying the illicit vertical restrictions

implies that the individual legislations differ to a larger extent than in case of horizontal agreements.

When examining closely the competition provisions of the Agreement as such I analyse the involvement of state and state enterprises exercising the role of any other competitor or, alternatively, of the legal monopoly enjoying a decisive influence on the market.

I also dedicate specific chapter of this dissertation to the issue of individual liability for the Competition Law infringements. This topic naturally concerns the companies' statutory representatives or their employees who are, after all, the main driving force of the (anti)competitive practices of the affected legal entities.

In the last chapter of this dissertation I take into consideration the Ecuador's accession to the Agreement in 2017 providing at least a brief summary of the main features of its Competition Law legislation (which is in force relatively shortly in comparison with the other legislations of the parties to the Agreement) and few examples of the case-law as well. I also highlight the apparent controversy of the Ecuadorian legislation in terms of its compliance with the key Agreement's Competition Law commitments.

I end this dissertation pointing out several conclusions and I believe I manage to provide a clearer picture on the current situation of the Competition Law enforcement in the parties' jurisdictions and their (non)compliance with the obligations accepted by concluding the Agreement.

Key words: competition - agreement - Andean countries