

## **ABSTRACT**

The presented thesis with a title “Non-competition clauses in M&A transactions from the perspective of Competition Law” aims to comprehensively analyse the question of conclusion of non-competition clauses with emphasis on the context of M&A transactions and the reasons for their conclusion. The main contribution of this thesis is to provide a comprehensive overview of the conditions of validity of non-competition clauses when these are observed, it is possible to consider the non-competition clause as agreed between the parties of the relevant M&A transaction as justified and proportionate, with a minimum risk of such clause being revoked.

In the first chapter, I am dealing with the concept of M&A transactions, individual types of M&A transactions and their division. At the end of this chapter, the importance of the non-competition clauses is outlined with reasons why they are concluded within M&A transactions.

In the second chapter, I have focused on the general characteristics of competition and prohibition of competition. This chapter also deals with the non-competition clauses themselves in M&A transactions and the adjustment of these clauses in accordance with the Commission Notice on restrictions directly related and necessary to concentrations (2005/C 56/03).

The third chapter deals with the legal regulation of the prohibition of competition from the perspective of Community and Czech law and the analysis of legal exceptions from this prohibition. The analysis of the conditions, that must be met in order to consider the non-competition clause as valid, follows.

The fourth and final further chapter examines the special cases of application of the non-competition clauses, which are non-competition clauses within joint venture businesses and the issue of the obligation to negotiate consideration in the non-competition clauses concluded with members of the companies’ elected bodies after their term expires.

The conclusion of the thesis itself is devoted to summarizing the findings and conclusions I have reached in my thesis.