

Abstract: Damages actions for breach of antitrust rules

This thesis is supposed to analyse latest proposals of the European Commission concerning private enforcement of antitrust rules and show what impact their implementation would have on the Czech law. The matter is organised in eight substantive chapters essentially retaining the system used by the Commission in the White Paper on Damages actions for breach of the EC antitrust rules, slightly reorganised however to comply better with established doctrinal system. Beginning with basis of a claim, through procedural matters to other connected problems.

Chapter One places damages actions within the system of both the EU antitrust law and systems of the members states. First part of the chapter looks into the origin of the idea of compensation for a breach of the competition law and introduces cases of the European Court of Justice *Courage v Crehan* and *Manfredi*. Second part identifies major obstacles that hinder wider application of the compensation principle in Europe (while in the US, private actions make up to ninety percent of all antitrust proceedings). And the third part considers the proposed role of private enforcement in European antitrust law. The Commission would like to see it becoming a complimentary system to the public enforcement, equally aimed at compensation of victims and deterrence of cartellists.

Chapter Two concentrates on the question of applicable law.

Chapter Three is aimed at the question of damage and subdivided into seven parts: Breach of an antitrust rule, fault requirement, causal link, definition of damage, calculation of damage, punitive damages and passing on. The chapter thus covers the substantive basis of a claim.

Chapter Four deals with standing of indirect purchasers and collective redress. Chapter Five illustrates problems of access to evidence and inter partes disclosure. Chapter Six considers binding effect of decisions adopted by competition authorities. Chapter Seven concentrates on limitation periods and Chapter Eight illustrates relationship of damages actions with leniency programmes.