

Resumé

In this rigorous work I have tried to outline you the problems of civil recovery of claims from violation of competition law regulations, alias so-called „private enforcement“, namely above all by means of actions for damages. This new juridical institute has been factually „brought“ into the Czech rule of law by the regulation of Council No. 1/2003 EU , whereas there should be no doubt that that the inspiration for implementation of this possibility into the laws of the EU were the rules of law of states where private enforcement has a long-term tradition, i. e. above all in the United States of America.

In the first part of my work I have tried to focus on the concept of competition from the general point of view, to submit you its history, its contemporary legal form, mutual relationship of the unfair and economic competition, and – last but not least – also its multidisciplinary character, for which just the problem of economic competition is not too simple, placing emphasis not only on legal knowledge.

In further part of my work I have taken for necessary to outline leastwise at large the individual pillars of the economic law, i. e. prohibition of agreement breaking the competition and misuse of the dominating position, namely not only from the viewpoint of the community law, but also from the viewpoint of our rule of law. It has not been my objective to analyse the above and to provide a fully exhausting commentary on the economic law, as there has not been a space for this in my work. I have therefore summed up only its basic principles necessary for further commentary.

The third part of my work has already been fully devoted to the subject of this work, i.e. the civil recovery of claims from violation of competition law regulations, above all by means of actions for damages. The objective of this work has been providing the reader, in frame of author's abilities, with as comprehensive conception as possible about what stands at present in the way of a more ordinary utilization of the institute, called „private enforcement“.

Already during comprehensive study of these problems we may state that private enforcement of claims from violation of competitive law regulations is so far not only in the Czech Republic, save few minor exceptions, an entirely unused juridical institute. After introduction of partial amendments, above all of procedural nature, into our rule of law, the private enforcement should bring generally plenty of positive factors for the competition. In the course of its full development it will be enabled the courts to decide on such practices of competitors, which the NCA would not be in a position to be engaged in, primarily due to its capacitive possibilities. Private enforcement shall thus fill up a certain legal blank, the filling of which much more unfair competition behaviours will be disclosed,

whereby greater push on competitors occurs to abide more with the competition itself and with its rules.

In case of full equalization of the institute of private enforcement it will come not least certainly also to the situation – as shown after all by multiyear experience in the U. S. A. – that a wide lay public by its „involvement into competition“ acquires a wider awareness of competition rules and of competition itself as a in its entirety, we can talk also about „competition culture which will uprate, consumer wealth shall rise which is a public concern and a basic essence, if you like, an objective of a competition law.

On basis of my acquired observations I have come to a conclusion that the institute of private enforcement itself shall never be the primary „guardian“ of adherence to competition rules, however, its task shall be secondary, supportive, nevertheless also unsubstitutable and entirely in place. However, civil enforcement of competitive rules shall not be effective, if you like, it shall not be made use of until at least some insitutes standard in the law system of the U. S. A. are introduced which would gimmick up the private enforcement in the eye of public. If this does not happen, also henceforward a general majority of cases of infringement of community and competition law in member states shall be solved by the NCA and the role of courts shall be restricted only to the supervision of legitimacy of issued administrative decisions.

I do believe that my work has provided you with at least a partial notion of what is possible to imagine under the term of „civil recovery of claims from violation of competition law regulations“.