

The subject matter of the present diploma thesis is an exchange of information as an individual cartel behavior. It focuses on processes and operations that are performed within the frame of activities of trade associations. It should, first, be noted that in most cases, the exchange of information is an absolutely legal way how to make qualified and successful decisions on the transparent market. However, under particular conditions, it may represent a danger in the form of violation of competition law. Such violation can present particularly an exchange of information that removes uncertainty in market relationships and enables companies to foresee behavior of other competitors.

The primary objective of this thesis is to complexly describe an attitude that evolved in the interpretation and application practice of the European Commission, or as the case may be of the European courts. On the base of theoretical findings and analysis, the thesis defines criteria that are applied when assessing exchange of information and determines the border between the legal and illegal exchange of information among competitors in the actual law of the European Union.

So far as the content is concerned, the thesis is divided into five separate chapters. The first one provides a general definition of the exchange of information among competitors and explains where the border character of this phenomenon lies. The second chapter describes basic means of exchange of information. Having regard to the focus of this thesis, this chapter provides a wider view on the indirect exchange of information through a common organ, i.e. the trade associations. The third chapter is devoted to a general analysis of Article 101 (1) TFEU in relation to agreements on exchange of information. It is divided into five subchapters, while each defines one of the conditions that must be met to constitute a cartel behavior. Furthermore, the chapter includes a relatively detailed analysis of characteristics of exchanged information and conditions on the market. The fourth chapter deals with exemptions from the cartel ban. The last chapter is practically oriented on the application of theoretical rules in the life of trade associations. It contains two subchapters. The first one provides an analysis of five cases that are related to an exchange of information that was enabled by an interaction of competitors with a trade association. Further, the second subchapter offers a summary of a research that was carried out by the author of this thesis. It is based on the information obtained from the publicly available sources; in particular from the websites of trade associations and information provided by trade associations itself via e-mail communication. The conclusion includes a practical and simplified manual, which shall guarantee trade associations compliance with competition law in order to avoid investigation by the European Commission or national competition authorities, if it is followed.