

ABSTRACT

The objective of this thesis is to evaluate and describe Czech legislation regarding agreements intervening in the economic competition, namely with the focus on their actual form, specifics, characteristics and basic essentials, and to evaluate their correctness and business impacts, taking into account legislation and case law of the European Union. The purpose of the research is primarily to outline the basic elements of forms of prohibited agreements, highlight deficiencies of legislation related to them, and to argue findings arising from the literature and case law. The thesis is based on both Czech and European literature and judicature.

The thesis is divided into six chapters which are complemented by the Introduction and the Conclusion.

The First Chapter compares legislation of the Czech Republic and the European Union, while the attention is devoted in particular to the influence of European legislation and judicature on the development of Czech law and decision-making practice. It also focuses on certain differences and possibilities of their removal and overcoming.

The Second Chapter forms the core of the thesis and also describes the core law governing the cartels when it closely examines every single part of the state of facts of prohibited agreements. This part provides a comprehensive analysis of elemental characters of each cartel. It analyses and criticizes gaps and deficiencies in definitions of prohibited agreements in both the literature and judicature related to them.

In the Chapter Three are described the most common states of facts of cartels as they are listed in the Act on Protection of Economic Competition. The subject of the chapter is description and analysis of these most serious and frequent violation of the cartel prohibition.

The next chapter discusses the issue of dividing the agreements in dependence on the position of their participants in the relevant market. The author narrates the problem of distinguishing horizontal and vertical agreements and explains the reasons and consequences of this division, while meditating on the correct distinctive methodology.

The penultimate Chapter Fifth analyses and interprets the *de minimis* rule and *hard-core* cartels. The author considers the absolute nature of the rule and restrictions which are limitation to its use.

Finally the last part is a brief comparison of agreements intervening in the competition and the abuse of dominant position.

This thesis deals with the problematic issue of cartels when focusing primarily on the description, analysis and critical study of their individual characteristics and forms. The author mainly builds on Czech professional literature and case law of European offices. The author also assesses the Czech legislation and at the end of each chapter comes up with its final part, which evaluates governing law and speculates about its essential problematic parts. The whole thesis calls for an individual approach when assessing every single cartel, and for not sticking to formal procedures and rules, although author also calls for more clarified and simple legislation, which would ease the application and decision-making process.