

# **Compensation for damage caused by breach of competition rules**

## *Abstract*

This thesis analyses actions for damages for infringements of the competition law, an area newly regulated by Directive 2014/104/EU of the European Parliament and of the council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union.

A main purpose of this thesis is to describe specific aspects of actions for damages for infringements of the competition law, introduce alternatives to provisions of the Directive, identify the impact of the Directive on successful private enforcement of damages and evaluate a new proposal for a statute transposing the Directive into Czech law.

The thesis is divided into eight chapters. Chapter One contains a brief introduction which is followed in Chapter Two by an evaluation of the necessity of this Directive and of its scope. Chapter Three deals with indirect purchaser's standing and passing-on defense, where it is noted that this change brings more complexity into the proceedings and the lack of indirect purchasers' motivation to sue is still persistent. Chapter Four describes certain possibilities of collective redress.

Chapter Five is the main chapter of this thesis and it addresses disclosure of evidence which brings aspects of Anglo-American discovery into the (mainly continental) European civil proceedings. The emphasis is put on the conditions under which one may request disclosure of evidence and how is the disclosing party protected. Second part of this chapter deals with disclosure of evidence included in the file of a competition authority. Main part of the discussion there is focused on whether it is appropriate to prohibit disclosure of leniency statements and settlement submissions.

Chapter Six introduces elements of damage and methods of damage quantification, Chapter Seven briefly presents other legal institutions included in the Directive, such as limitation periods and consensual dispute resolution. Conclusion

mainly summarizes individual chapter conclusions and generally evaluates enacted changes in the area.