

ABSTRACT

Regulation 1/2003 empowers the European Commission to issue a decision, by which it makes commitments offered by the parties to the proceedings legally binding. Although being an alternative to the prohibition decision, it has become a predominant type of decision the Commission uses to tackle various antitrust issues, save from the area of secret cartels. This thesis primarily focuses on the effectiveness of commitment decisions, exploring various features contributing thereof. The first chapter outlines the main changes to the enforcement of EU competition law brought by Regulation 1/2003. The second chapter provides a necessary background for the subsequent analysis by introducing the legal framework for the adoption of commitment decision, followed by an explanation of the importance of effectiveness in public enforcement of EU competition law. The fourth chapter analyses effectiveness of the commitment procedure, which is narrowed down to the quickness of the procedure leading to the adoption of the final decision. The author observes that the procedure provides for more rapid resolution of cases, but it contains various drawback negatively affecting the quickness of the procedure. The fifth chapter is devoted to the enhanced effectiveness of commitments, mainly in comparison to remedies which may be imposed in a prohibition decision. The decisional practice of the Commission is examined in order to explore how commitment decisions were adopted in various circumstances. The sixth chapter analyses the impact of commitment decisions on the legal certainty of other market participants with the aim to strike the optimal balance between the effective use of these decisions and the principle of legal certainty. The last chapter concludes the main findings in this thesis.