

This thesis aims to describe the evolution of the leniency program as the key tool to uncover national and International cartels. It begins with a general overview of competition law and the area of cartel Cooperation and focuses on leniency program. This program is for the sake of completeness described not just from the legal point of view but also using theory of games and prisoner's dilemma because both these phenomenon are surprisingly similar to the leniency program. For the first time there is the issue of a deterrence gap, being some kind of indicator of incentives for the cartel members to betray such cartel and uncover its existence to the authorities. Cartels are also described using tables so it is clear how much (uncovered) cartels are there each year, what is the average amount of imposed fines and how many percent of turnover of such companies usually makes the fine. Leniency programs of various states are described in detail, focusing on differences in their complexity and efficiency and some of them are described back to the past, with the Description of the evolution of such leniency program, making it more useful. Special Attention is paid to the Leniency program of the Czech Republic, but also other European jurisdictions are being described because although these states are also EU member states, the leniency program often reflects national specifics of each country. According to the opinion of the author of this thesis, sometimes the interesting element (which may increase efficiency of such leniency program) may appear in different system than the European one, for the sake of completeness also other systems were included to this thesis, especially the Asian ones (reflecting the rapid economic growth in these countries), African ones (as a proof that despite the first impression these systems may not be far behind the European ones - at least on theoretical level) and especially the American ones. Leniency regulation in the USA is deemed very advanced and as it is mentioned multiple times in this thesis it serves as a reference point in the whole fight against cartels, not just in the area of leniency applications but also in the field of private law enforcement. After description of multiple foreign regulation of competition law with emphasis on cartels and leniency program we have reached the second half of this thesis, meaning shift from theory to practice. Practice is presented by the real competition law cases, which have been thoroughly selected for their interesting object, originality or importance for the whole field of investigation and prosecution of cartels. The shared element for all cases selected to this thesis is the successful use of leniency program by one of the former cartel members and therefore a clear illustration of system in practice and possible fines which were avoided by such applicant. This thesis includes ten foreign cases and a several more from the Czech practice so it is possible to see possible differences. The last quarter of the thesis already uses the knowledge gained beforehand, first of all it tries to describe the up-to-date question on the private law enforcement, because it is expected in the future, that this system would work much better and paying of damages would be much stronger punishment for the company than potential fines awarded by the national competition law authorities and/or European Commission. Furthermore there is the issue of trustworthiness of leniency applicants and their statements, because although there is a doctrine in place, that authorities should trust someone who damaged itself by filing the application (for example ruining its business reputation), it is clear that it is possible to use leniency program as a sophisticated form of competition and therefore all evidence provided to the competition law authority by the leniency applicant should not have been entirely relied on in the investigations. The last chapters describe negative elements of contemporary leniency in general, because as it is clear from the whole thesis, although the quality of leniency programs has increased rapidly in the last 20 years, there are still some downsides and unfortunately new negative parts are still coming, for example greater complexity due to the globalization and bigger cartels spreading over larger territory or abovementioned private law enforcement, which could deter the possible leniency applicants from the actual filing of the application because

especially in cartels with long duration and big value there is a threat of enormous damages. The conclusion of the work includes some *de lege ferenda* thoughts, trying to come up with the "ideal" leniency system, having the smallest deterrence gap and therefore motivating the cartel members to leave such cartel immediately, which would positively affect the whole market which was before distorted by the cartel.