

Abstract

The thesis deals with the topic of damages claims arising from breach of competition law. In particular, it focuses on the cases in which is involved a relevant international element. The thesis reflect the thought that even after adoption of Directive 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, there are still significant differences between the legal systems of the Member States, which to a large extent affect the compensation for damages.

The thesis is divided into six chapters, the first and last of which are general introduction and conclusion. The second chapter deals with the definition of private enforcement of competition law and its relation to private international law. The third chapter can be divided into two relatively separate parts. The first one deals with the general construction of damages in the Czech Civil Code and performs a basic comparison with the Germany and England. The second part deals with selected specific areas of competition law. In particular, with the topics such as: who is eligible to bring an action; who can be considered as liable; or the basic procedural specificities (the distinction between stand alone and follow-on actions, the disclosure of evidence provided by the Directive and the institute of collective action).

The fourth chapter deals with the determination of international jurisdiction under the Brussels I bis Regulation, taking into account the relevant case law of the Court of Justice of the European Union. Considerable attention is also paid to the possibility of forum shopping and using procedural defence in the form of an (Italian) torpedo. The purpose of the fifth chapter is to evaluate on determination of the applicable law, which is governed by conflict rules in Rome II Regulation.

Key words: damages claims, competition law, private international law

Název práce v anglickém jazyce:

Compensation for damage arising from breach of competition law from the perspective of private international law