

Concentration of Undertakings within Protection of Czech Competition

The subject of this diploma thesis is to define the subject of concentration of undertakings, which is one of the parts of competition protection, and to define the way of control of such concentration in the Czech legal order.

Without the functioning of competition, the functioning of trade cannot be imagined, and since self-regulation of trade has proved to be inadequate over time, there was nothing else to do than to introduce a regulation regulating the behavior of market players. These standards gave rise to a new branch of law, i.e. competition law.

The thesis is divided into nine chapters, the first four being rather interpretative, because they explain the basic concepts and terms used by the Act on the Protection of Competition and the European Commission. The fundamental issue of this work is to explain the definition of the concentration as such, in which, without knowing the various forms of concentration, it would not be possible to correctly identify the operation and properly notify the competition authority. Next, I deal with the procedure of the competitors and subsequently of the Office for the Protection of Competition (hereinafter referred to as “the Office”) in the proceedings. I consider significant the adaptation of the substantive test on the basis of which the notified concentration is assessed. The work ends with a definition of the way the concentration is evaluated and the types of decision that the Office may issue.

Due to the high frequency of notifications for the authorization of a concentration (a majority of the cases dealt with by the Office), there is a large number of decisions and soft-law documents that may be difficult to understand without deeper knowledge of the subject. That is why I tried, and for the purpose of this work, I set out to give a comprehensive and clear interpretation of the whole institute with the insertion of references precisely to the case-law above mentioned, which illustrates the application of the relevant provisions in practice, thus showing real examples. However, such interpretation would not be complete if I limited myself only to the domestic law and practice, since the Czech competition law was completed to its present form only after accession to the European Union and is largely based on the EU law.

Key words: concentration of undertakings, protection of competition, undertakings