

# **Private enforcement of EU Competition Law**

## **Abstract**

The topic of this Juris Doctor thesis deals with private enforcement of competition law, which is commonly understood as the possibility of seeking damages caused by anticompetitive behavior of undertakings before the courts of EU member states. The author describes the development of the right to seek the antitrust damages in the first part of his thesis. This deep analysis involves an exhaustive presentation of key decisions of the Court of Justice of the European Union, accompanied by the analysis of the preparatory work on the Directive 2014/104/EU. The latter includes synthesis of numerous comments drafted and issued by member states, national competition authorities and other stakeholders as well.

Following the first part described above, the author carefully examines the whole text of adopted Directive 2014/104/EU and describes its transposition. There was created a new fully recognized branch of competition law within the EU, which doesn't replace or threaten both the EC and NCA public enforcement of competition law. Moreover, these private antitrust damages actions serve as a complement of a public-law sanction.

The European private damages directive establishes certain new procedures and law institutes, all of which are thoroughly analyzed and critically assessed in the light of possible practical difficulties. The main aim of EC was to create such an environment which would guarantee the right to full compensation under the principle of effective redress. It is clear that such goal has not yet been achieved; in particular it will be necessary to promote collective redress. In his work, the author created a series of analytical grids on the several (often controversial) provisions of the Directive, analyzed dozens of crucial ECJ decisions, including the most recent (pending) cases set by the requests for a preliminary rulings of the national courts in relation with the interpretation of the Directive. A special chapter is also focused on different legal practice across the Member States. This Juris Doctor thesis is a comprehensive document that can be used for a deeper study of private law enforcement of competition law.