

Possibilities of private enforcement in the Czech Republic and in Germany

Summary

The purpose of my thesis is to analyse the possibilities of private enforcement of competition law in the Czech Republic and in Germany. The reason for my research is to detect differences of the relevant legislation and to find potential inspiration for an amendment of Czech competition law.

The thesis compares legal basis for private enforcement in the Czech Republic and in Germany in connection with the current developments in the European Union.

The thesis is composed of eight chapters. Chapter One is introductory and chapter Two highlights main literature on the topic. Chapter Three defines basic terminology used in the thesis: competition law, private enforcement and development of private enforcement in the EU. Chapter four examines relevant legislation which forms legal basis for private enforcement and for damages actions for breach of the competition (antitrust) rules in both, the Czech Republic and in Germany. Chapter Five focuses on damages actions for breach of competition rules and it is the core of the paper. The chapter is subdivided into seven parts. Part One describes standing in general and standing of indirect purchasers and collective redress, part two analyzes conditions for liability, part three outlines scope and method of calculating damages. Following parts deal with interest, limitation periods, binding effect of National Competition Authority decisions and passing-on overcharges. Chapter Six investigates jurisdiction in competition cases. Chapter Seven provides an outline of relevant German and Czech case law. Conclusions are drawn in Chapter Eight, The main aim of the thesis is to recommend changes to be made in Czech legislation. An amendment to the Act on protection of competition should be passed, but it may be better to wait until the European directive on damages actions for breach of competition rules will be passed.