

Resumé

The aim of this master thesis is to introduce the concept of the leniency programme and to describe its development and current legal regulation in the European Union and the Czech Republic, to evaluate its rules, its effectiveness and morality. The thesis also explores the relationship between leniency programme and other instruments in antitrust law enforcement.

The first chapter defines what a leniency programme is and describes its evolution in the USA and the EU. Leniency programme lies in granting full or partial immunity from sanction to the member of a cartel that reports the existence of this cartel to the antitrust authority. Next it describes the key features of an effective leniency programme. It means severe sanctions for competition infringement, fear of detection and transparency of the programme.

Next chapter deals with the development of leniency programme in the EU. It points out the differences between European Commission notification issued in the years 1996, 2002 and 2006 and it describes how the programme works nowadays. It also focuses on the cases in which the Commission used the leniency programme. This chapter entails also the issue of European Competition Network and its Model Leniency Programme.

Chapter Four deals with the leniency programme in the Czech Republic, highlighting some key differences from the EU programme and with the administrative proceeding held by the Office for the Protection of Competition on the basis of leniency application.

Furthermore the thesis analyses whether the main idea of the leniency programme - the wrongdoer is not going to be punished even though he has broken the law - can be justified. And the theoretical aspects of the programme are compared with analogous institutions in criminal law.

Chapters Six and Seven concentrate on two other instruments of antitrust law enforcement. Firstly the thesis describes and tries to find the solution in the relationship between leniency programme and the criminalization of anticompetitive practices, because reckless application of criminal sanction can infringe effectiveness of it. Secondly the private enforcement of the competition law and its relation to leniency programme is analysed.

Finally, the last *de lege ferenda* chapter summarizes my ideas for further development of leniency programmes both in the Czech Republic and in the European Union. The number of decisions in the cartel cases that the European Commission issued proves that the leniency programme is an effective instrument to disclose cartels. However it still needs some

improvements concerning e.g. harmonization in the European Union or enactment in the Czech Republic.