

## Abstract

### Protection of business competition – agreements interfering with competition

Agreements interfering with competition are a significant threat to proper functioning of the competition. Leniency programmes are a powerful tool for the purpose of detection and termination of cartels.

This thesis focuses mainly on the regulation contained in the Czech national law. The Community law can not be ignored though as the national law is closely connected therewith.

The first part of this thesis contains mainly a basic definition of agreements interfering with competition, their division according to their content as well as division to horizontal and vertical agreements which is important to assess agreements with an insignificant impact on the competition. When assessing the influence of an agreement it is also necessary to take legal and block exemptions into account.

The most important cartel assessed by the Office for the Protection of Competition so far is an agreement on the gas insulated switchgear market. For this agreement having a form of *bid rigging* the Office imposed the highest fine in its history. But this case also demonstrates a frequent problem of significant delays in the court proceedings, which are often initiated by legal actions of undertakings against decisions of the Office for the Protection of Competition. Although more than five years have passed since the first instance decision of the Office, the case is still pending.

The abovementioned cartel was discovered thanks to leniency programme, which is described in the second part of this thesis. Leniency programmes are based on significant reduction (up to 100 percent) of a fine imposed on the undertaking which provides information “from within” the cartel. A recent case *Pfleiderer v. Bundeskartellamt* became very important for the future of leniency programmes.

In spite of its history of more than 10 years the Czech national leniency programme still does not have a *hard law* form. This is to be changed by an upcoming amendment to the Act on the Protection of Competition. A settlement procedure is about to be newly adopted as well as rules for access to the file in reaction to the *Pfleiderer* case. An amendment to the Criminal Code is also planned.