Abstract

This work presented here, named „Legal consequences of agreements interfering with economic competition“ seeks to answer several questions, that are dealt with in five sections. Principal notions are explained in first three chapters. The core of the work is found in chapters four and five.

The first part describes the competition policy in general. Precise definition of Competiton doesn't actually exist. In practice the economic-viewed interpretation is mostly used. It is a very dynamic process, which, as history shows us, needs for its effective functioning not only to be secured by fundamental freedoms, but also needs a framework of strict rules of law.

These boundaries are established by the Competition Law. This branch of law overlaps both the Public law and Private law. My work addresses ontly the part of the Competition Law that depicts protective methods concerning anti-competitive agreements and its violations. Regarding the applicable law sources needs to be examined within the frame of the membership of the Czech Republic in European Union.

The third part deals with prohibited agreements in the scope of the Substantive Law. An interesting point of view is brought in by comparing particular characteristic features and its concept with regard to the decisional practice of both The European Commision and the Office for the protecion of competition of the Czech Republic. Eventhough we can find theoretical differences more or less prominent, the specialists are in agreement, that these don't cause any problems because our administration applies the competition rules in accordance whit those of the Commision. General Clause that stipulates the prohibition of agreements between undertakings, decisions by associations of undertakings and concerted practices is supplemented by an exhaustive list of violations most frequently found in practice. The chapter concludes with exeptions that may justify and otherwise illegal agreement.

The principal part of my research is found in the fourth chapter. It describes the mechanisms of protection of the economic Competiton at the moment when it this has been violated and an adequate course of action is needed. Generally, for this legal action are authorised competent authorities (The European Commision and The Office for the protection of competition of the Czech Rep.) which apply the competition law in the public interest.

However, it is also possible for the enterprises and the consumers, that have been harmed by competition policy malpractice to demand protection through civil lawsuit and by private Action defend their personal interests. Eventhough, this second option is still rarely used its importance is currently increasing. The most serious anti-competition actions in forms of cartel agreements may undergo criminal trial. It offers certain advantages such as an individual criminal responsibility. On the other hand the division of responsibilities among several institutions that are not sufficiently experienced at the moment remains a big disadvantage.

Since there doesn't exist one hundred percent effective tool in fighting with the free competiton violations, new ways needs to be seek out of how to ensure effective enforsing of the Competition Law. Among the instruments considered as alternative procedures strenghtening the enforceability of competition rules are leniency program and settlement procedure. Although their usage is connected with certain risks, its practical application shows us their effectivity in enhancing the protection of free competion.