

# Abstract: Protection of Economic Competition ó Agreements Distorting Competition

The topic of this thesis is agreements distorting economic competition, traditionally referred to as cartels. Cartels are various forms of explicit and implied agreements among participants in economic competition which are capable of affecting the competition in a negative way and result not only into damaging other competitors, but also mostly into damaging the consumers.

The main purpose of this thesis is to present a comprehensive view on the issues of agreements distorting economic competition from the point of the Czech and European substantive legal regulation and take into account some aspects of their practical assessment. Another purpose was to evaluate the alternatives of sanctioning of the prohibited agreements, both public enforcement and private enforcement of claims of the subjects that suffered loss resulting from the agreements. A partial purpose was to suggest possible future regulation of chosen areas.

Chapter One is an introduction and includes delimitation of aims of the thesis.

Chapter Two deals with the essence of the agreements and the concept itself. It also explains briefly, which particular impacts can these agreements practically have.

Chapter Three delimits the boundary between the illegal cartel agreements and parallel conduct which is not illegal. It also briefly describes the relations of agreements distorting economic competition and other types of conduct prohibited by competition law, thus abuse of dominant position and non-approved mergers.

Chapter Four concerns the typology of agreements distorting economic competition, both types distinguished by legal regulation and types appearing in literature and practice.

Chapter Five, subdivided into three parts, is about the legal regulation of agreements distorting economic competition. The first part focuses firstly on the development of Czech legal regulation and secondly on the sources of current Czech regulation. The second part considers the development and sources of European regulation. The third part discusses the relation between European regulation and Czech regulation, or rather national regulations, in detail.

Chapter Six deals with the actual content of Czech and European legal regulation together, as they are very alike. It is subdivided into three parts, the first of which presents the general clause, the second briefly describes the particular subject matters and the third looks at legal and block exemptions and the *de minimis* rule.

Chapter Seven considers the means of sanctioning of cartel agreements. After a brief introduction to the issue of sanctions and their functions in the first part there follows the second part which considers the public enforcement of competition law and other consequences resulting from public law, namely invalidity of agreement, remedial measures, fines and the possibility of their moderation by application of leniency programme, and last but not least the possibility of criminal penalty. The third part then considers the possibilities of private enforcement of claims resulting from breaching of competition law.

Chapter Eight is the conclusion which summarizes the considerations of possible future regulation.