

## **Abstract**

The aim of this thesis named „Protection of Economic Competition - Agreements to Obstruct Competition“ is to analyse a theme of agreements distorting economic competition at the point of view of a substantive law of the Czech Republic and European Union. These agreements oftenly called as cartels represents one of the most dangerous anti-competitive practices that leads to a monopolization of free markets and in consequence of that to a damage of other undertakings and even consumers.

This area of law is typical for its generality when the essential influence is reserved for a judicature. For that reason there is layed a great emphasis on the decisions of the European Commission, courts and also national competition authorities in this thesis. The soft law regulation by means of various White books and Notices issued by the European Commission and national competition authorities is not neglected.

In Chapter One there is an introduction to this thesis.

Chapter Two concentrates on the theme of agreements to obstruct competition in general. It describes a nature of the agreements and their elemental features and outlines a history of this therm.

Chapter Three illustrates a relationship between the agreements and other anti-competite practices – abusing of a dominant position and mergers and pointed out their identical and different attributes.

Chapter Four examines sources of Czech and European antitrust law. It is subdivided into three parts. Part One describes Czech sources of law. Part Two describes European sources of law and Part Three delineates mutual realtions between both legal regulations. Parth three explains crucial terms of a competition law – undertaking which defines participants of competition and relevant market which defines an area of competition.

The most comprehensive chapter is Chapter Five. It is focused on contemporary Czech and European regulation of the agreements. It si divided into eight parts. Part One looks at a general clausule of the agreements. Part Two describes a term of distoration of competition. Part Three concentrates on a three possible forms of the agreements. Part Four deals with terms of prohibition and nonvalidity of the

agreements. Part Five refers about agreements of minor importance which do not appreciably restrict competition. Part Six looks at horizontal and vertical agreements and Part Seven refers about the most usual kinds of the agreements. Chapter seven describes a legal and block exemptions from restrictions of the agreements.

Chapter Six is focused on a public enforcement of competition law. It is divided into four parts. Part One describes fines imposed to participants of the agreements. Part Two looks at non-pecuniary penalties. Part Three concentrates on leniency programs and Part Four on criminal sanctions.

Chapter Seven describes possibilities of private enforcement, particularly a field of compensation for damage.

Chapter Eight, a conclusion, briefly summarizes general findings of this thesis.