

The relationship between private and public enforcement of cartel law has been heavily discussed in the recent years, both in legal doctrine and political circles. The European Commission has come up with various initiatives in order to promote and support changes in the legal orders of the EU Member States, which would make the private enforcement of cartel law easier and more accessible, especially for consumers, but for other subjects impaired by the violation of competition rules as well. However, this effort needs to be balanced with the existing system of public enforcement, notably with the established and well-functioning leniency programmes. A strengthened „private pillar“ must not cause any damage to the existing „public pillar“. Can private enforcement be an efficient complement to the hitherto system (predominantly public), and if so, where are the limits of it?

On one hand, the support of private enforcement could discourage cartelists to participate in the leniency programmes, because the possible economic benefits (exemption from fines) might not outweigh the losses (huge amounts paid on damages in connection with follow-on actions). On the other hand, it has been argued that private enforcement is deeply underdeveloped in the European Union and no ideas of the European Commission drawing attention of the society to the „private pillar“ can be really considered detrimental to the leniency programmes.

Firstly, this diploma thesis aims at comprehensive description of the current state of play at the European level, against the background of which the approaches of the legislator in Germany and the Czech Republic are examined in the second step. By comparing the legal regulation of damages as well as carrying out an efficacy check of the respective leniency programmes, the author is coming to conclusions answering the basic question, i.e. whether new mechanisms of private enforcement should be introduced in the Czech Republic or not.

In the end, two hypotheses are rejected:

- 1) The support of private enforcement of cartel law poses threat to the leniency programmes,
- 2) the introduction of legal institutions promoted by the European Commission, which would make private enforcement of cartel law more important, is undesirable.