

Abstract

Efficient enforcement of cartel law

This thesis deals with the issue of effective enforcement of cartel law, focusing on the interaction between public and private enforcement.

The aim of this thesis is to compare the enforcement systems of cartel law in Czech, European and American legal systems, in particular to compare the form and functioning of two key tools of public and private enforcement, i.e. the leniency program and the actions for damages, to analyse the interaction between them, reveal the main tension and finally to compare the solutions to this conflict that are offered by different legal systems. I am comparing the solutions offered by current legislation in the EU and the Czech Republic with the solutions of US antitrust law where both tools coexist and have been successfully operating for some time. On the basis of such comparison I will try to determine whether the current solution is effective or whether there exists a more suitable one.

The thesis consists of three parts. The first part is divided into two chapters, where the first chapter defines the basic terminology that relates to the issue of antitrust law enforcement. Further it contains a description of relevant sources of law. The second chapter deals with various antitrust law enforcement models which operate within the US, the EU and the Czech Republic.

The second part, which consists of two chapters, analyses the key tool of public enforcement and certain aspects of private enforcement. It compares the form and functioning of these legal instruments in different jurisdictions.

The final part, which also contains two chapters, deals with the interaction between public and private enforcement. It focuses on the problematic aspects of this interaction and on the solutions of this conflict offered by the various legal systems.

The conclusion then summarises the previous findings and partial conclusions from the preceding chapters. I will compare the regulation of both tools and solutions of their relationship within individual jurisdictions. And finally, I will consider the extent to which the current form of these tools and the presented solutions of the tension between them approach the optimal settings of these two enforcement pillars, which would generally contribute to a more effective cartel enforcement system.

Keywords

Leniency programme, private enforcement of competition law, disclosure of evidence