

# **Abstract - Protection of Economic Competition – Agreements Violating Competition**

Agreements distorting competition are quite dangerous for the goals of competition law and it is necessary to search for them, find them and punish them. Therefore, the goal of this thesis was to provide a complex explanation of the issue of prohibited agreements from the point of view of Czech and European competition law. Relatively brusque diction of primary sources of law is typical for competition law and for the regulation of prohibited agreements. For this reason a large area of law is left to the case law of the Court of Justice of the European Union and also for national courts in administrative judiciary. The thesis has in mind also the importance of the soft law which serve as a manual of the approach of the European Commission and the Office for the protection of competition which leads to a higher level of legal certainty.

First chapter is dedicated to the explanation of basic terms of economic competition and of competition law. The largest space is given to the definition of the Czech term „competitor“ and its European equivalent „undertaking“. This chapter also explains relevant market and the matter of relationship between Czech and European competition law.

The whole second chapter is dedicated to the general provisions of agreements violating competition from Section 3 of the Czech Act on the Protection of Competition (hereinafter the „Act on Competition“) and from article 101 of the Treaty on the Functioning of the European Union (hereinafter the „TFEU“). Both provisions contain many specific terms that are explained in this chapter. The largest space is given to the explanation of the issue of agreements which have, as their object or effect, the prevention, restriction or distortion of the competition and to the differences among concepts of agreement between undertakings, decisions of associations of undertakings, and concerted practices.

The issues of the De Minimis doctrine, of legal exception contained in Section 3 par. 4 of the Act on Competition and in art. 101 par. 3 TFEU as well as block exemptions, especially the block exemption contained in Regulation of the Commission 330/2010, are sketched out in the third chapter.

Fourth chapter is dedicated to the distinction of vertical and horizontal agreements related to the De Minimis doctrine and to Regulation of the Commission 330/2010 including the differences between Czech and European terminology.

Fifth chapter presents the most typical kinds of horizontal and vertical agreements. A brief characteristics of such agreements is provided in this chapter.

Regarding vertical agreements, the chapter is focused on some dangerous provisions of such agreements from the point of view of competition law.

The last chapter is focused on the public and private enforcement of cartels and it is aimed at the leniency programme and private enforcement of competition law.

The final part of this thesis addresses some possible future changes *de lege ferenda* and the evaluation of the process of harmonization.