

Abstract

The aim of this thesis is to introduce the concept of the leniency programme and to describe its development and current legal regulation in the European Union and the Czech Republic, to evaluate its rules, its effectiveness and morality. The thesis also explores the relationship between leniency programme and other instruments in antitrust law enforcement. Leniency programme lies in granting full or partial immunity from sanction to the member of a cartel that reports the existence of this cartel to the antitrust authority. The thesis describes the key features of an effective leniency programme and compares these general postulates with real facts from the practise of the European Commission and the Office for the Protection of Competition. The thesis continues with pointing out the differences between European Commission notification issued in the years 1996, 2002 and 2006 and it describes how the programme works nowadays. It also focuses on the cases in which the Commission used the leniency programme. It also deals with the issue of European Competition Network and its Model Leniency Programme. Then it describes the leniency programme in the Czech Republic and the decisions by the Office for the Protection of Competition on the basis of leniency application. The comparison of Czech and European leniency programme with the USA, British and Polish leniency programme is also presented. Furthermore the thesis analyses the leniency programme compliance with basic legal principles of fair trial. The thesis also analyses whether the main idea of the leniency programme – impunity of wrongdoer - can be justified. Then it concentrates on two other instruments of antitrust law enforcement. Firstly the thesis describes and tries to find the solution in the relationship between leniency programme and the criminalization of anticompetitive practices, because reckless application of criminal sanction can infringe effectiveness of leniency programme. Secondly the private enforcement of the competition law and its relation to leniency programme is analysed. Finally, the last chapter summarizes the ideas for further development of leniency programmes both in the Czech Republic and in the European Union. The number of decision in the cartel cases that the European Commission issued proves that the leniency programme is an effective instrument to disclose cartels. However it still needs some improvements concerning e.g. legal regularization in the Czech Republic.