

ABSTRACT:

KEY WORDS: *leniency, hard-core cartel, whistleblowing, competition*

The EU/US Leniency policy is a thesis collecting and classifying huge amount of information and data from several legislations in relation to a relatively new phenomenon of leniency policy. Its additional value are not only commentaries on the de lege lata (currently existing) legislation, but mainly de lege ferandae presumptions emphasizing the trends which could be anticipated in the leniency policies in the future. Processing world data would not be in my capacities and therefore I decided to work with the most representative legislations – those of the European Union and of the United States, a minor insight is also given in case of Great Britain, Germany and France. The thesis helps the reader get familiar with the basic leniency concepts (terminology, principles, history) and subsequently starts explaining the core of the laws from the substantial as well as procedural point of view. Chapters enabling comparison of European and American law firstly set both legislative frameworks and then provide a comparative chapter at the end dealing with weaknesses and strengths of each program. The historical part deals with the circumstances which led to passing of the legislative predecessors of the current laws but also carefully mentions their content and point out the changes they brought about and comment on whether these changes were of benefit in practise or not. Last but not least, the conclusionary chapters are added rather from my personal interest but are undoubtedly related to the topic of leniency policy – the chapter about leniency policy in case of natural persons, de lege ferandae ideas, legislation and considerations and top ten of cartel cases where leniency was applied in some form and which were subject to unprecedented publicity. The branch of competition law in respect of leniency policies belongs to one of the newest concepts which sometimes lacks not only procedural but also substantial background for solution of certain occurring situations and the authorities in charge are forced to solve such problems by setting precedents. And just the flexibility, originality and unpredictability are those factors which have fascinated me and inspired me to write such a thesis.