

PRIVATE ENFORCEMENT OF COMPETITION LAW AND PUBLIC PROCUREMENT IN SELECTED CENTRAL AND EASTERN EUROPEAN UNION COUNTRIES: A CONFERENCE REPORT (BRATISLAVA, 16 DECEMBER 2025)

Mgr. Igor Sloboda, PhD.
Lector
Comenius University Bratislava
Faculty of Law
Institute of European Law
Safárikovo námestie č. 6
810 00 Bratislava, Slovakia
igor.sloboda@flaw.uniba.sk
ORCID: 0009-0005-9408-1618

Suggested citation:

Igor Sloboda, 'Private Enforcement of Competition Law and Public Procurement in Selected Central and Eastern European Union Countries: A Conference Report (Bratislava, 16 December 2025)' (2026) 10(1) *Bratislava Law Review* 321
<https://doi.org/10.46282/blr.2026.10.1.1498>

Submitted: 05 June 2026

Published: 01 August 2026

Issues related to the enforcement of competition and public procurement rules in the Member States of the European Union remain highly topical, particularly in view of the constantly evolving legal, economic and practical environment in which these rules are applied. In this context, increasing attention has been paid to their private enforcement, especially within the legal systems of Central and Eastern European countries.¹

On 16 December 2025, the Institute of European Law of the Faculty of Law, Comenius University Bratislava, hosted the conference "*Private Enforcement of Competition Law and Public Procurement Rules in Selected Central and Eastern European Union Countries*", organised within VEGA project No. 1/0710/23, "*Damages in Competition and Public Procurement – Limits and Challenges of Effective Enforcement of European Union Law*". The conference built on the thematic areas addressed in a forthcoming research monograph and provided a forum for comparative discussion of private enforcement mechanisms in the fields of competition law and public procurement. At the same time, it reflected a broader understanding of private enforcement, extending beyond antitrust damages to issues such as state aid, contract invalidity and state liability in the context of public procurement. The discussion followed a common line of development from judicial harmonisation by the Court of Justice of the European Union and the implementation of Directive 2014/104/EU to the current practical limits of damages claims, the quantification of harm, the effects of administrative and judicial decisions, and the future development of both legal regulation and enforcement practice.

¹ The author acknowledges the use of ChatGPT, an artificial intelligence tool, for the purposes of translation and stylistic editing of the text.

The conference brought together an international group of scholars and practitioners specialising in competition law, public procurement law and related areas of EU economic regulation. The participants represented universities, research institutions, law firms and other professional organisations, while the individual contributions covered national experiences from several Central and Eastern European jurisdictions, including Slovakia, Czechia, Slovenia, Poland, Romania, Bulgaria, Latvia and Lithuania. This diverse composition reflected the comparative focus of the conference and created a platform for discussing the development, limits and practical challenges of private enforcement from both academic and practice-oriented perspectives.

The conference was opened by Professor Ondrej Blažo, Head of the Institute of European Law. His opening remarks framed the common question underlying the subsequent presentations: whether the CEE region now has effective private enforcement in practice, or whether it still has mainly private enforcement in legislative form.

Following the opening speech, the first contribution, entitled "*Private enforcement of competition law in Lithuania: any success stories?*", was delivered by Professor Jurgita Malinauskaite of Brunel University London and Vytautas Magnus University, who opened the substantive discussion with Lithuania. Her presentation showed that the main barriers remain causality and the quantification of harm. Even where claimants can point to a competition-law infringement, it remains difficult to prove that the concrete loss was caused by that infringement rather than by other market factors. The FlyLAL litigation, which lasted fourteen years and ended without damages being awarded, illustrated both the evidentiary burden and the costs of prolonged litigation. Lithuania was therefore presented as a system in which the right to sue exists, but successful damages claims remain exceptional.

The second contribution, entitled "*Private enforcement of competition law in Romania: Troubleshooting compatibility with the Romanian legal frame*", was presented jointly by Adriana Almășan, Professor at the Faculty of Law, University of Bucharest, and Horia Banciu, PhD candidate at the Faculty of Law, University of Bucharest. Their contribution examined Romania. They described a legal framework containing several tools relevant to private enforcement, such as a rebuttable presumption of harm, a 20 per cent quantifier, exemption from court fees and a possible *amicus curiae* role for the Romanian competition authority, but also important structural and procedural weaknesses. Romania has no specialised courts or panels, the limitation period is short, disclosure rules are disadvantageous compared to general procedural rules, and arbitration and mediation are, in practice, unusable for lack of a proper legal basis. Their paper showed that formal transposition does not necessarily ensure practical compatibility with domestic procedure.

The third presentation, entitled "*Private enforcement of competition law in Poland*", was delivered by Anna Piszcz, Professor at the Faculty of Law, University of Białystok. It confirmed this problem from another angle. The 2017 Act on Claims for Damages for Infringements of Competition Law created a new post-Directive framework, yet the available picture of case law remains limited and partly incomplete because judicial publication is not mandatory. The cases discussed in her presentation showed repeated problems with time-barred claims in competition damages litigation, while *Magna Polonia S.A. v Emitel S.A.* offered a rare success story, ending in settlement after a decade of proceedings. Her broader conclusion was that weak public enforcement, few antitrust decisions, long and complex proceedings and a weak litigation culture continue to hold private enforcement back.

The next contribution was delivered by Alexandr Svetlicinii, Associate Professor at the University of Macau, and was entitled "*Private enforcement of competition law in Bulgaria: between legislative reform and judicial restraint*". He described Bulgaria as a jurisdiction situated "between legislative reform and judicial restraint". Although the 2017 reform introduced presumptions, disclosure tools and collective redress mechanisms, practice has not developed consistently. Judicial interpretations have limited the space for independent damages actions by requiring competition-law infringements to be established by the national authority, while public enforcement itself has produced only limited opportunities for follow-on damages litigation. As a result, Bulgarian private enforcement has often taken the form of contract disputes concerning the invalidation of anti-competitive clauses rather than fully developed damages actions.

Ana Vlahek, Professor at the Faculty of Law, University of Ljubljana, delivered a contribution entitled "*Private enforcement of competition law in Slovenia: A finely carved wooden sword*". Her presentation captured the Slovenian competition-law experience through this metaphor. Slovenian law offers damages, nullity, interim measures, injunctions and collective proceedings, yet lengthy proceedings, lack of judicial specialisation, weak court-authority cooperation and repeated evidentiary failures blunt those tools in practice. This clearly illustrated one of the conference's central themes: sophisticated legislation may still produce weak enforcement.

After the coffee break, Jūlija Jerneva, attorney-at-law at COBALT Latvia, delivered a contribution entitled "*Lost in transition period. Latvian perspective on damages actions*". She addressed Latvia and described an "empirical paradox": more than forty private-enforcement judgments exist, but most concern pre-Directive infringements decided under post-Directive procedural logic. Although Latvian law contains presumptions of harm and, in cartel cases, a 10 per cent overcharge presumption, courts generally refuse to apply them retroactively. She also showed that courts often move from the abstract need for counterfactual analysis to judicial estimation, while the binding force of competition authority decisions risks being misunderstood as a substitute for proof of causation.

Katja Štemberger Brizani, Assistant Professor at the Faculty of Law, University of Ljubljana, then shifted attention to public procurement in Slovenia with her contribution entitled "*Private Enforcement of Public Procurement Law in Slovenia: A Supplementary Mechanism in a Public-Law Dominated System*". Because procurement accounts for roughly 13–14 per cent of Slovenian GDP, the structure of remedies has systemic importance. Public-law review before DKom remains central, while private enforcement before the District Court of Ljubljana plays only a supplementary role through contract annulment and damages. Although recent case law moving towards the recognition of lost profit reflects the logic of full reparation, the overall picture remained cautious: annulment is rare, damages are complex and costly, and private enforcement operates as a supplementary and mostly reactive mechanism rather than as a central one.

Michal Petr, Associate Professor at the Faculty of Law, Palacký University Olomouc, widened the discussion with his contribution entitled "*Czech experience with private enforcement*". He combined competition law, state aid and public procurement in the Czech Republic. He emphasised that reported cases exist, but only a very small share concerns Articles 101 and 102 TFEU and the success rate remains extremely low. His examples, including Student Agency, REGIOJET and Heureka, showed how procedural questions such as disclosure and limitation periods may become decisive, while the public-procurement part of his presentation highlighted the limits of judicial review. In that context, he pointed to the special problem of small-scale contracts below EUR 120,000, which are outside competition-authority review, while civil courts review only

limited aspects of the dispute. His paper usefully reminded the audience that private enforcement in the region cannot be reduced to cartel damages alone.

Hana Kováčiková, Associate Professor at the Faculty of Law, Comenius University Bratislava, offered a particularly critical perspective on Slovakia in her contribution entitled "*Ornamental private enforcement in Slovakia*". Describing the system as "ornamental private enforcement", she argued that although EU law requires effective remedies, Slovak private enforcement remains largely formal rather than practically accessible. This was attributed to fragmented legal bases, demanding evidentiary burdens, rigid causation standards, the de facto judicial limitation of stand-alone actions and the complete non-use of class actions. Her empirical findings were equally striking: only eight competition-law judgments were identified since 2001 and no successful follow-on damages action was found after the adoption of the specialised antitrust damages legislation. Slovakia was therefore presented as a clear example of the gap between the remedial requirements of EU law and their practical operation in domestic law.

Ladislav Šimko of LitFin then focused on a single doctrinal issue with wider regional significance in his contribution entitled "*Dies a quo of the limitation period in competition law damages*". Drawing on Nissan Iberia, he argued that, in follow-on actions based on decisions of national competition authorities, the limitation period should begin not with the administrative publication of the authority's decision, but only once that decision becomes final following judicial review. His discussion of suspension, interruption and extrajudicial interruption showed why limitation rules are not a secondary technicality, but a decisive element of effective access to damages.

Mária Patakyová, Associate Professor at the Faculty of Law, Comenius University Bratislava, delivered a contribution entitled "*Private Enforcement of Competition Law and Sport Law*". Through Walrave, Bosman, Meca-Medina, MOTOE, International Skating Union, European Superleague, Royal Antwerp and FIFA v BZ, she demonstrated how sport has become an important field for the application of EU competition law beyond traditional cartel cases. Her concluding message was especially relevant to the conference as a whole: private enforcement is expanding into new areas, and it would be unwise to marginalise stand-alone actions.

The final contribution, entitled "*Damages arising from violation of competition law and public procurement rules in selected Central and Eastern European EU countries: Solutions and challenges*", was presented by Professor Ondrej Blažo. He stressed that the Damages Directive has sought to improve the position of injured parties and introduced new evidentiary tools, but that its practical impact in CEE countries remains uneven. Important questions remain unresolved, including the effects of national competition authority decisions, causality, culpability, quantification of harm, limitation periods and overcharge presumptions. His statistics — 158 competition-law judgments and 88 public-procurement judgments relevant to private enforcement and damages — confirmed that the field is no longer marginal, yet also not fully consolidated. Taken together, the conference showed that the main CEE problem is no longer the absence of remedies on paper. It is the continuing difficulty of turning those remedies into predictable, usable and judicially effective instruments.

The presentations were followed by discussion, which allowed for an exchange of academic perspectives, national experiences and practical insights on the current limits and future development of private enforcement in competition law and public procurement.