

# **Selected Issues of the Criminal Liability of Legal Entities in the Czech Republic**

## **Summary**

This thesis focuses on the selected issues of the criminal liability of legal entities in the Czech Republic, concretely the Act No. 418/2011 Coll. on Criminal Liability of Legal Entities and Proceedings against them. The main purpose of the thesis is to pick the most unclear provisions as well as the ones that cause that the criminal proceedings are not really effective.

The first chapter analyzes the circumstances of ratification of the Act into the Czech legal system and the discussions connected to the ratification. The second chapter describes the chosen conception of the criminal liability of legal entities.

Following chapters deal with the chosen pitfalls related to the application of the Act. The third chapter covers the § 7 of the Act and the extent of the crimes which are listed in this provision. The main problem regarding this provision is the fact, that on one hand we can find some crimes that can be hardly committed by legal entities and on the other hand we cannot find several offenses that could be expected to be committed mainly by the legal entities, e.g. infringement of the competition rules under the § 248/2 of the Criminal Act No. 40/2009 Coll.

The fourth chapter focuses on § 8, firstly how the unlawful conduct of a natural person may be attributed to a legal person, secondly on the possibility of release from the criminal liability. The circumstances under which the legal entities can release itself from the criminal liability are very unclear and it would be appropriate to amend the § 8/5 of the Act.

In the fifth chapter the thesis concerns transferring the criminal liability of the legal entity to the legal successor of this legal entity and answers following questions: Is it necessary for the original legal entity to cease? Is the criminal liability transferred objectively? Is the transition possible only in the case of an universal succession? Can the criminal liability of a legal entity also be transferred to a natural person?

The sixth chapter deals with a problem of the efficiency of criminal proceedings against legal entities without any property or legal entities that do not actually carry out any activity or that are used only for committing crimes, also known as the empty shell companies. In case of such legal entities, it is very difficult to find an appropriate and effective means of sanctioning. The most proper one seems to extend the state prosecutor's competency to propose the abolition of a legal entity under the civil law.

In the seventh chapter the thesis summarizes the legal regulation of the criminal liability of legal entities in Finland, which has been chosen mainly since Finland is one of the top five countries in the European Union that have adopted criminal liability of the legal entities into their legal system.

The thesis is concluded by a summary of deductions achieved from the individual findings.