

Summary

Public Regulation of Transportation Network Companies

This thesis deals with the Czech public law regulation regarding the personal transport sector of the so called shared economy. In the beginning this thesis defines terms of shared economy and the Transportation Network Companies, which allegedly participate in the shared economy. Then this thesis deals with the problem, whether Transportation Network Companies (for simplification referred to as Transportation Applications) offering their services in the Czech Republic are subject to public law regulation governing the rights and obligations of personal transport operators.

In the beginning the thesis explains operating conditions of Transportation Applications since their specific and innovative way of providing personal transport is a reason of social and legal controversies surrounding them. This thesis analyses legal status of Transportation Applications called BlaBlaCar, Uber and Taxify.

Analysis of the current legal qualification of Transportation Applications begins on the level of European Union law and the decision-making practice of the Court of Justice of the European Union. This thesis offers two options of legal qualification of Transportation Applications under the European law and it outlines legal problems resulting from choosing one of these options as relevant. These conclusions are then confronted with the Court of Justice of the European Union case law. Described court decision in the matter of Transportation Applications and further court ruling is analysed in detail. Also, the impact of the ruling is mentioned, especially in relationship with possible legal regulation of Transportation Applications of the European Union member states.

Key part of this thesis is an analysis of activities of the Transportation Applications in the scope of the Czech legal system. Firstly, private law consequences resulting from the activity of Transportation Applications are described, since these consequences have an important effect on deducing the relevant public law regulation. The thesis describes nature of subjects involved in activities of Transportation Applications, legal consequences resulting from these activities and most importantly evaluates whether

activities of these subjects fulfil criteria of entrepreneurship. According to the previous conclusions this thesis offers two options of legal qualification of Transition Applications' activities. Further, the relevant public law regulation of the entrepreneurship in passenger transport is described. Finally, other possible legal consequences of Transportation Applications' in the area of Criminal, Tax, Labour and Civil Law (mainly in regard to possible unfair competition of Transportation Applications) are mentioned.

Further, the current decision-making practice of the competent administrative authorities and courts related to activities of Transportation Applications is outlined. Selected examples of case law are subjected to analysis and criticism. Thereafter consideration of a possible future legal regulation of Transportation Applications is mentioned. In the end the thesis summarizes the most important conclusions found in this thesis.

Key words: **BlaBlaCar**
 Taxify
 Uber