

Filing claims in insolvency proceedings

Abstract

The topic of this master's thesis is the issue of filing claims in the Czech insolvency proceedings, especially the lodging of claims but also other ways of filing claims. Furthermore, the thesis deals with the legal regulation of lodging claims in European insolvency law. Finally, the subject of the thesis is the evaluation of the position of creditors and debtors in insolvency proceedings with a detail on discharge of debt.

The aim of this thesis is to comprehensively elaborate on the issue using the Czech legislation and the European Union legislation. To deepen the legal analysis of the filing of claims the author uses already established court practice and other case law conclusions of higher courts, as well as professional literature. In addition to the descriptive method of defining the issue, the author also applies her own evaluating conclusions and considerations and uses the experience gained from her insolvency practice.

The author describes the system of lodging claims including the analysis of the deadline for lodging claims and disputes arising from this regulation and further deals in detail with the lodgement form, its submission and the creditor's responsibility for the correctness of the lodgement. The author characterizes specially assigned groups of claims and analyzes the method of their filing. Within the framework of European insolvency law, the author deals mainly with the possibility of involving foreign creditors in the Czech insolvency proceedings. After evaluating the position of the creditor and the debtor in insolvency proceedings the author came to the conclusion that the position of the creditor in insolvency proceedings is currently weakening and a widespread tendency to provide debtors with a chance of discharge of their debt is seen not only in the Czech legal environment.

Keywords:

Insolvency, Insolvency Proceedings, Lodging Claims