

The present thesis addresses the issue of Transfer of Undertaking (as recognised by the Acquired Rights Directive 2001/23/EC) under the EC law as well as under the Czech law. Since the issue of Transfer of Undertaking is discussed from the European and the Czech perspective, following the introduction, the second chapter briefly summarizes the mutual relationship of the European and the national law under special consideration of aspects relating to practical enforcement of the European rules in the employment matters.

The third chapter focuses on the Transfer of Undertaking rules under the Acquired Rights Directive as interpreted by the ECJ. The chapter is introduced by the short summary of development of the wording of the Acquired Rights Directive. Further, the jurisdiction questions of the Acquired Rights Directive are discussed. Particular attention is paid to the subject-matter jurisdiction, as to the most questionable and controversial jurisdictional matter. In addition to the jurisdictional issues, the consequences of the application of the Transfer of Undertaking rules are addressed within the framework of the second chapter, as namely the obligation of the transferee to obey the employment rights and obligations arising from individual employment relations as well as from the collective bargaining agreements.

Acquired Rights Directive also covers the protection of employees against dismissal on grounds of Transfer of Undertaking as well as the obligations of the transferor and the transferee towards the employees' representatives. These issues are also discussed within the third chapter.

The fourth chapter deals with the regulation of Transfer of Undertaking under the Czech law. Firstly, the brief summary of the historical development including the New Labour Code (Act No. 262/2006 Coll.) as well as the systematic introduction are included. Secondly, the cases of Transfer of Undertaking under Czech laws and their mutual relationship are discussed, i.e. the statutory regulation of the Labour Code (Act No. 65/1965 Coll.) and the statutory regulation under special laws.

Following the structure of the third (European) chapter, the fourth chapter discusses the consequences of the Transfer of Undertaking as well as the protection of employees against dismissal on grounds of Transfer of Undertaking and the information and consultation duties of the transferor and the transferee.

The fifth chapter summarizes the consequences of breach of Transfer of Undertaking rules under the Czech law including the claims for unlawful dismissal, damage compensation and the fine from the State Inspection Authority. The sixth chapter summarizes the changes introduced by the New Labour Code as well as the proposals *de lege ferenda*.

The purpose of the present thesis is to clarify the issue of Transfer of Undertaking, namely under consideration of the practical issues. Since the Czech sources are very limited the author intends to find answers on her questions in the European law and to apply the conclusions to the Czech statutory regulation of the Transfer of Undertaking. The author also compares the Czech regulation to the Acquired Rights Directive and to the corresponding ECJ case law. The most important findings are than summarized in the last chapter of the present thesis.