

Status of insolvency practitioner in insolvency proceedings

Abstract

This diploma thesis provides a comprehensive legal analysis of the status of the insolvency practitioner not only at the very beginning of insolvency proceedings until filing the final report at the end of insolvency proceedings, but also an analysis of the insolvency practitioner profession itself, including the legal conditions imposed on the insolvency practitioner necessary to obtain a license to perform activities as an insolvency practitioner.

The first chapter is a short historical excursion across the legal regulations of the status of insolvency practitioner from the Imperial Decree of 1869 to the present. The second chapter is devoted to the authorization to perform the activities of an insolvency practitioner including its eventual termination or cancellation by the supervisory authority. It discusses in detail the conditions that an insolvency practitioner must meet to be licensed to perform the activities of an insolvency practitioner by the Ministry of Justice of the Czech Republic, and the second part it deals with the professional examinations of insolvency practitioner. The third chapter discusses the procedural status of the insolvency practitioner with a special focus on the person of the insolvency practitioner with a basic license, from whose status is subsequently distinguished the status of other insolvency practitioners, including examples. The fourth chapter focuses on the process of appointing an insolvency practitioner to a position within the debtor's insolvency proceedings. The issue of the list of insolvency practitioner and the division of the list of insolvency practitioners into individual parts is also discussed. The fifth and sixth chapters deal with the distinction between the performance of the activities within the insolvency proceedings and the performance of the action of the insolvency practitioner. The individual activities performed by the insolvency practitioner within the debtor's insolvency proceedings are analyzed in detail here. The penultimate chapter is devoted to the supervision performed by the supervisory authorities over the insolvency practitioner, i.e., insolvency court and the Ministry of Justice of the Czech Republic and describes the possible sanction mechanisms in case of breach of legal obligations by the insolvency practitioner. The final part of the diploma thesis presents selected specifics of individual methods of bankruptcy with associated rights and obligations of the insolvency practitioner.

The aim of this diploma thesis is to describe the profession of insolvency practitioner with a special focus on his status in the debtor's insolvency proceedings, including references to the relevant case law of the High Courts, the Supreme Court and the Constitutional Court. Finally, I

offer a critical look at current legislation and describe the regulation of the insolvency law de lege ferenda.

Key words: status, insolvency practitioner, insolvency proceedings