

The role of depositary in the capital market

Abstract

This thesis analyses current legislation regarding depositaries from the viewpoint of czech and european law. Taken into account are opinions from literature, commentaries of law, Czech central bank or Capital market Association of Czech republic. Legislation and opinions presented are evaluated, commented on and in some places an adjustment is suggested. In this thesis there is mainly used the linguistic, systematic and historically-theological method.

The first chapter deals with historical background of investment funds and depositaries and also with the influence the coupon privatisation had on today's capital market. Subsequent chapter is focused on investment funds, their types and related legislation and presents statistical data related to investment funds and depositaries. There is also a section dedicated to comparison of investment funds and depositaries in other european states. Third part of the thesis is dedicated to theoretical basis of depositary with the addition of practical examples of its duties and circumstances which can affect the way its duties are performed. Main emphasis is put on valuation of movable and immovable property and not only property commonly found in fund's portfolio, but even some specialized examples like investment wine, whisky, cryptocurrencies and blockchain technology. The fourth and final part of this thesis deals with damages caused by depositaries while performing their duties.

This thesis is meant as an introduction to depositaries and their duties and illustrates a day to day practical execution of those duties. The work is mainly focused on depositary duties towards a standard investment fund, but where it is considered appropriate, the differences that are connected mainly to the funds of qualified investors or participating funds are also emphasized. The thesis also includes part concerning the so-called sub-limit alternative investment funds and their differences and advantages / disadvantages.

Keywords: depositary, investment fund, pension fund