

Influential person

Abstract

This diploma thesis deals with the status of an influential person and the legal consequences the act No. 90/2012 Coll., on Commercial Companies and Cooperatives (Business Corporations Act) associates with the fulfillment of the subject matter of interference and applies not only to the influential person but also to the influenced person, its shareholders, members of the board of directors and creditors of the influenced person. The diploma thesis is divided into three chapters. The first chapter presents the reasons for associating companies into business groups and explains differences of interference from the control and concern. The second chapter analyzes particular elements of subject matter of interference. Subsequently, this chapter answers the question of who can be considered as an influential person, who cannot be an influential person and whom the influential person can interference. The third chapter, which is given the most space in the diploma thesis, examines the most significant legal consequences of interference having direct impact on the rights and obligations of the influential person. This chapter is mainly researching the obligation of an influential person to compensate influenced person for the harm caused by the interference and the conditions for its exemption, further this chapter examines application of the conflict of interest rules and the provisions regarding the exclusion of a member of the statutory body from the statutory body on influential person. Third chapter also deals with the protection of shareholders and creditors of the influenced business corporation.

The aim of this diploma thesis is especially the research of rights and obligations of influential person and its position within the legal regulation of business groups. In subchapters it also reflects changes related to the adoption of act No. 33/2020 Coll., amending among others the Business Corporations Act. This amendment to the Business Corporations Act will come into effect on 1st January 2021 and will bring changes that affect the rights and obligations of an influential person. Besides that, diploma thesis identifies the most significant problems related to the institute of an influential person and identifies crucial interpretative and application barriers. The thesis mainly uses analytical, deductive and descriptive research methods. The conclusion of the diploma thesis contains an evaluation of the amended legislation in the part concerning the influential person and provides suggestions for improvement of some failures.

Key words: Influential person, Interference, Group of companies