

Abstract

The main purpose of this thesis is to describe and analyze the concept of business management the Czech legislator works with, but does not deal with its definition. For this purpose, case-law and doctrinal contributions are analyzed, including the foreign regulation, which is a suitable addition to interpretation, as the Czech legislator was inspired by it. Partial differences of limited liability and joint-stock companies are also taken into account.

At the beginning, the author discusses the content of parts of the work, its purpose and unifies the terms used.

In the first part, the author describes the positive and negative definition of the concept of business management. Judicial and doctrinal sources describe this as a regular decision-making activity about the company's business activities, affecting the daily operation of the business establishment. On the contrary, they conclude that business management does not include, for example, strategic management. The author also does not consider bookkeeping to be part of business management.

The second part deals with business management decisions. The competence of decision-making bodies regarding business management is described, dealing with a limited liability company and a joint-stock company separately. Also the differences between individual and collective bodies regarding business management are described.

The content of the third part is the delegation of business management within collective bodies. Firstly, there is a horizontal delegation, which is the division of responsibilities within the bodies. Secondly, there is a vertical delegation, which allows the transfer of business management to another level of management.

In the final, fourth part, the author deals with exceptions to the ban on giving instructions to business management. This part illustrates the form of such exceptions and comprehensively describes the conditions that must be met in order for an instruction to the business management to be requested by a member of the body. It also deals with the binding nature of such instructions, as well as the binding nature of the instructions in the group of companies and the liability for the damage caused by such instructions.

In conclusion, the author describes various controversial situations that he has thought about and offers his point of view on some partial specifics.