

Abstract

This thesis deals with the insolvency of a controlled person and its legal consequences for a corporate group under the Companies Act and the Insolvency Act. The aim of this thesis is to outline the consequences of the insolvency of a controlled person under the Companies Act for the controlling person of the corporate group and to analyse the special regime of the Insolvency Act affecting the other members of the corporate group in the insolvency proceedings of the controlled person.

It begins by discussing the concepts that are central to this thesis, particularly with regard to their conceptual background. The subsequent chapter examines the consequences of the insolvency of a controlled person for the controlling person under the Companies Act. Particular attention is paid to the consequences of the insolvency of a controlled person caused by the conduct of the controlling person under the business groups regime and the action to supplement liabilities. The thesis in this part evaluates the business groups regulation and deals with the cases in which a duty may be imposed on the controlling person under an action to supplement liabilities. The thesis also discusses the provisions of the Insolvency Act that contain special rules for members of the same corporate group as the debtor. In this context, the author of the thesis discusses in the relevant part, in particular, the provisions on the prohibition to vote at the creditors' meeting, on the members of the creditors' committee and on the prohibition to acquire assets from the estate. He also discusses the ineffectiveness of legal acts, a key instrument of insolvency law which, given the economic interconnectedness of persons in the corporate group, can significantly affect the financial situation of other members of the corporate group.

The thesis identifies some of the shortcomings of the applicable law and presents the author's thoughts on how to address them. The author bases his reflections primarily on the recent doctrinal opinions, legal publications and relevant case law. A comparison with French law is also made in the section on the action to supplement liabilities.