

ABSTRACT

Regulation of cross-border distribution of insurance and reinsurance

The central theme of this thesis is the regulation of cross-border insurance and reinsurance distribution within the context of the European and Czech regulatory framework. The objective of this thesis is to analyse the basic conditions for cross-border activities, define the limits of their applicability, and interpret them in relation to the current legal framework. The thesis is systematically structured into several chapters that progressively explore the topic, from theoretical issues to a description of proceedings before the Czech National Bank. The structure of the thesis was designed to reflect the initial analysis of a cross-border intent, which should precede the implementation of activities in a foreign territory for any entity.

The first chapter serves as an introduction to the topic and defines the basic terms related to the distribution of insurance and reinsurance. Given the extensive scope of this area, part of the chapter also addresses the legal sources of insurance law at both the European and national levels. The chapter also highlights the relevance of the topic by outlining the primary reasons that lead entities to engage in cross-border service provision and examining the structure of the Czech insurance market. Based on available data, it demonstrates that cross-border activities are a common feature not only of our market. The second chapter deals with broader regulatory issues. It is primarily addressing whether the activity qualifies as cross-border provision of services. It also focuses on the governing law applicable to insurance and reinsurance contracts. This is followed by a section that aims to describe the most critical aspects of European law affecting cross-border activities. A significant portion of this chapter is dedicated to defining the fundamental freedoms of the European Union, specifically the freedom of establishment and to provide services. The remaining part further examines issues related to branches as an essential component of long-term cross-border activities under the freedom of establishment. The final chapters focus on the practical aspects of cross-border distribution, particularly the processes related to proceedings before the Czech National Bank. The thesis provides a detailed analysis of the requirements imposed on entities distributing insurance and reinsurance. Separate chapters are devoted to insurers, insurance intermediaries, and reinsurers, taking into account their distinct characteristics and obligations.

Key words: cross-border activity, freedom of establishment, freedom to provide services