

Resume

Název: Problematika operací s cennými papíry a finančními deriváty
Title: The issues of operations with securities and financial derivatives

The aim of this thesis is to discuss selected issues of operations with securities (such as stocks, bonds, promissory notes, etc.) and financial derivatives. A financial derivative (or derivative security) is a financial instrument whose value depends on the values of other, more basic underlying variables. Commonly issued and frequently traded financial derivatives are forward contracts, futures, swaps, and options. Futures and options are actively traded on many exchanges. Forward contracts, swaps, and many different types of options are regularly traded outside exchanges by financial institutions, fund managers, and corporations in what is termed over-the-counter market. This study is divided into seven chapters. The first chapter provides brief introduction into the issues of operations with securities and financial derivatives. The following chapter provides legal definitions of various types of securities and its legal sources. The third chapter discusses the economic aspects of issuing financial derivatives as well as their legal provisions. The fourth chapter is subdivided into four subchapters. First two subchapters deal with the aspects of issuing securities and financial derivatives. Next subchapters provide a brief description of the evidence of listed securities (those traded on the organized exchanges) and the process of introducing them to the market. The fifth chapter describes the organized exchanges in the Czech Republic, to include their history, organizational structure, and its function in the market. The following chapter analyzes the role that government institutions play in the supervision process. The last chapter briefly summarizes the conclusions drawn in this paper. The main conclusion of this thesis is that the legal regulation of the operations with financial derivatives is absolutely unsatisfactory, not only due to the increasing popularity of such instruments but primarily because of the potential of derivatives due to the possibility of committing frauds while using derivatives. The legal regulation of derivatives is a worldwide problem and should not concern only the markets in the European Union. Instead, the governments of all leading economies should cooperate while creating legal provisions of financial derivatives given that financial derivatives are frequently traded off-shore.