

Title

Financial Security

ANNOTATION

The diploma work presented deals with financial security, i.e. with one of the methods of securing an obligation, as set out under the provision of Section 323a et seq. of Act No. 513/1991 Coll., The Commercial Code, as amended.

In the work as a whole, I deal in detail, on the one hand, with description of the above-mentioned legal institution, financial security, in the form ascribed to it presently by the valid and effective legal regulations in the Czech Republic. Thus, I deal with the concept of financial security in our system of law, origin of the legal institution and its inclusion in the system of law of the Czech Republic, while defining the fundamental notions being necessary to study this part of the commercial law of the Czech Republic.

Further, I address explanatory and interpretation problems of financial security, both in the light of the European Union's legal regulations, which are, if simplifying, a template for our legal regulations concerning financial security, and from the point of view of our reputable law specialists, who dealt with financial security in specialised publications, in particular in their commentaries on the Commercial Code, and in articles published in professional periodicals.

Also I devote a significant part of this work to the financial security act being newly prepared and the act on changes to certain laws in connection with the intended adoption of the financial security act. Both draft legal regulations above are presently at an advanced stage of legislative process, which makes it possible, in all likelihood, to anticipate their approval by the Parliament of the Czech Republic, and their subsequent promulgation in the Collection of Acts of the Czech Republic. In this work, the financial security legal regulations, presently valid and effective, are in addition compared by me with the above-mentioned legislative bills, and I examine in their light, too, the present provisions of the Commercial Code addressing financial security. In so doing, I use, on the one hand, reasoned reports to the respective legislative drafts, and, on the other hand, the results of a professional discussion on the issue of how to amend financial security in the Czech Republic, as published by the Ministry of Finance of the Czech Republic.

In my work, I attempt, by using the method of legal argumentation, critical comparison of texts of legal regulations, whether valid or those being prepared, and by analysing specialised

texts, to examine and describe in detail the principles of the financial security institution, to highlight its advantages and imperfections, and to express my opinion on the issue concerned.

KEY WORDS

Securing an obligation, financial security; financial collateral; security by the right of lien to a financial collateral; security transfer of a financial collateral