

Abstract

Business agency contract

This diploma thesis deals with the business agency contract which is governed in sections 652 – 672a of the Commercial Code, Act. No. 513/1991 Coll. as amended. Parties are referred as the principal and the commercial agent here. Pursuant to this contract type the commercial agent, as an independent entrepreneur, binds himself to a long-term negotiation of the sale or the purchase of goods on behalf of the principal, or as a direct representative he is authorized to negotiate and conclude such transactions on behalf of and in the name of principal – such a form of business representation requires a procuration.

The provisions governing the business agency contract has been harmonized with Council Directive No. 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents by the Act No. 370/2000 Coll.

This work deals with the legal analysis of the business agency contract legislation, its hallmarks, origin of commercial representation, commercial agent negotiation problems, rights and obligations of both parties, commission rules, origin of the right to the commission and its amount and maturity, difference between exclusive and nonexclusive commercial representation, the duration of the contractual relationship and its termination, the right to indemnity and the restraint of trade clause.

Then this thesis compares certain provisions of the Czech Commercial Code with the wording of Council Directive No. 86/653/EEC.

The final chapters of this thesis are dealing with a brief analysis of Council Directive No. 86/653/EEC and the legislation of the business agency contract in the new Civil Code, which will come into force on 1 January 2014.

Key words:

business agency contract, commercial representation, principal, commercial agent