

English abstract

The purpose of my thesis is to analyze the insolvency law in Central Europe, in particular the discharge from debts. The reason for my research of this area of law is that recently this issue became frequent because of economic depression.

The thesis is composed of nine chapters, each chapter dealing with different aspects of discharge from debts. Chapter One illustrates the methodology of my thesis, especially the methodology of comparative law – the “comparatum” of this thesis is the Czech legal system and the “comparandum” is the Slovak, German and Austrian legal system. Chapter Two is introductory and defines basic issues regarding the discharge from debts. Chapter Three contains historical introduction to the insolvency law in Central Europe. Chapter Four is subdivided into two parts. Part One describes the modern beginnings of insolvency law in Czech and Slovak legal systems. Part Two deals with the beginnings of insolvency law in German and Austrian legal systems. Chapter Five describes the European regulation No. 1346/2000/EC. Chapter Six consists of twelve parts. Each part is subdivided into four subparts – Czech, Slovak, German and Austrian law. Part One is introductory into comparative law concerning the discharge from debts. Part Two focuses on practical findings with respect to motion for the discharge from debts. Part Three describes the resolutions on the motion for the discharge from debts. Part Four explains the registrations of creditors into the insolvency proceedings. Part Five deals with possible methods of the discharge from debts – by means of instalment calendar or realization of the bankrupt’s assets. Part Six compares the significance of the meeting of creditors in each legal system with respect to discharge from debts. Parts Seven, Nine, Ten, Eleven and Twelve illustrate the forms of decision-making by the insolvency court with respect to the motion, rejection, discharge and revocation of the discharge from debts. Part Eight describes the obligations of the debtor. Chapter Seven deals with the proposals for change of Czech insolvency law according to the comparative law. Chapter Eight illustrates the practical cases of the discharge from debts. Chapter Nine contains a summary and chapter Tenth and Eleventh a list of shortcuts and used literature.