

Summary

The topic of shareholder's duty of loyalty is an important aspect for the definition of most of the duties and obligations of the capital company members. Therefore, it is also very popular topic for the authors of professional literature, who tend to be interested in systematized distinction of the duties and obligations of the capital company members.

Most authors, along with the jurisprudence, already admit considerable importance of principle of loyalty and consider it to be the rule of interpretation appropriate for its application to the other duties and obligations of company members. The principle of loyalty, having a regulatory function, may fill in particular gaps in the statutory regulation. As a derogatory rule it may avoid the application of other rules that would lead to unfair decisions. This work aims to demonstrate the possibility of application of the principle of loyalty in practice.

The thesis is divided into two main parts, the first is meant to clarify the place of the duty of loyalty in Czech law. It describes how was the existence of the duty of loyalty inferred before its regulation in new Civil Code. Next chapters of the first part are devoted to current applicable regulation.

The second part of the theses focuses on particular examples in order to demonstrate the consequences of use or non-use of the principle of loyalty. The specific manifestations of loyal or disloyal conduct of members of the company lead to general conclusions on importance of the duty of loyalty.

The conclusion summarizes the consequences of the applied principle of loyalty in respective cases, and finds its undeniable benefits. Abovementioned functions of the principle of loyalty were therefore confirmed.