

Abstract: Concurrence of the office of governing body and employment relationship

The principal objective of this thesis is to analyse and collectively process issue of concurrence of the office of governing body and employment relationship. The aim of this thesis is to analyse this issue from the current legislation, jurisprudence and also from expert discussion point of view. At the same time, the thesis seeks to deal with the diversity of views and approaches to the issue.

The thesis consist of four chapters, which do correspond to the main goals of the thesis, as stipulated in the Introduction. Chapter one deals with the theoretical background. There are defined basic terms such as agreement on the performance of a position or employment relationship, necessary for this thesis. Chapter two analyses the historical development of this issue, focusing not only on legislation, but also on jurisprudence. The first subchapter covers the period from 1 January 1993 to 31 December 2011, as the first examined historical period. The second subchapter examines the brief period from 1 January 2012 to 31 December 2013, which is considered the only period when the concurrence of the office were explicitly allowed.

The third chapter attempts to introduce foreign legislation of concurrence of the office of governing body and employment relationship. There is briefly introduced legislation in the Federal Republic of Germany and legislation of the law of England and Wales. In the third subchapter, the author briefly deals with the case law of the Court of Justice of the European Union related to the concurrence of the office issue.

The fourth and the final chapter focuses on the current legislation, a large part is devoted to the case law. There is not forgotten to the range public debate, where many experts shows their opinion as to whether the concurrence of the office of governing body for allowable or not. Finally, the case of Constitutional Court of the Czech Republic, dated 22 September 2016, ref. I ÚS 190/15 is disassembled. This case brought a small revolution regarding the preview of concurrence of governing body and employment relationship.