

Abstract

This diploma thesis deals with the regulation of the activities of banks, which has already been relatively extensive but as a result of the most recent financial crisis, it has been extended by new rules and requirements. The aim of this thesis is to clarify the essence of the basic obligations of the banks related to the entry into the banking sector and to working in the sector, and last but not least to leaving the sector and to the termination of the banking activity. All these obligations are then amended by new requirements for crisis management and the insurance of deposits, which are also based on prudential and precautionary principles and aim at maintaining the security and stability of the banking sector.

This thesis is divided into six individual chapters but they are connected with each other. The initial chapter defines the key concept of this thesis, namely the concept of the bank from the legal perspective because the legal definition of the bank is slightly different than the economic definition. This thesis as well enumerates the forms of legal regulation that can be used in this area of law, whether it concerns directly applicable European legislation, primary or delegated legislation or non-binding statements and recommendations of regulators. Then the following chapters deal with the requirements that are demanded from banks. For banks to enter the sector a licence must be granted and certain requirements must be met, especially capital requirements, the qualification of stakeholders and shareholders or other technical and organizational requirements. All these requirements must be met as well during practising the banking activity, but beyond these demands there are imposed others which regulate activity of the bank and enable banking supervision. Bank recovery and resolution regulation can still be called as an innovation and these rules mean new requirements for the banks, such as preparation of recovery plans or contributions to resolution financing arrangements. These resolution financing arrangements are described in the following chapter dealing with the newly established Financial Market Guarantee System, which includes the Crisis Resolution Fund as well as Deposit Insurance Fund, and this Deposit Insurance Fund provides the protection of depositors in case of bank failure, and the banks are also obliged to contribute to it. The legal order has to be prepared for situations such as bank failures or the termination of the activity on own initiative of bank and there should be set the rules about the procedure of leaving the sector, which is then described in the last chapter.