

Abstract

This diploma thesis deals with the issue of legal regulation of cashless payment transactions in the Czech Republic, as well as on European and international level. Furthermore, it focuses on the legal regime of payment accounts in the light of the amended Payment System Act No. 284/2009 Coll. that was adopted as a transposition of the Directive 2014/92/EU of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features.

The aim of this thesis is to analyze and describe the current legal regime, including its critical evaluation and to outline the possible future development in the regulation of cashless payment transactions.

The thesis is divided into three chapters. In the introduction, the author lays down the topic and the aim of the thesis and explains her motivation for writing a thesis from this area of law.

The first chapter contains a theoretical introduction to the topic. The author explains what is a payment transaction, what forms can it take and who are the parties.

In the second chapter, the author introduces the legal regulation of cashless payment transactions. In the subchapter dedicated to international payment transaction, the author explains how do the international payment transactions work, including the introduction of the SWIFT system. Moreover, the author mentions some international treaties from this area. The subchapter dealing with European legislation mainly describes the most important regulations and directives that are relevant to payment transactions, including the new Directive (EU) 2015/2366 of the European Parliament and of the Council on payment services in the internal market, which is crucial for the regulation of payment transactions. The European legislation directly influences the Czech law of payment transactions, which is then described in the last subchapter of this part of the thesis. Next to the Payment System Act, which constitutes the foundation of the legal regulation of payment transactions in the Czech Republic and which is thoroughly examined in this subchapter, the author also mentions other legislative acts which regulate some partial aspects of payment transactions. Finally, the author presents some important soft-law documents.

The third chapter addresses the issue of payment accounts, particularly in the context of the previously mentioned amendment to the Payment System Act. The author introduces the concept of the so-called payment account with basic features and the regulation of payment account switching, i.e. the change of a payment account. There the mechanism called the Code of the Consumer Mobility created by the Czech Banking Association is also analyzed. At the end of this chapter, the author offers an evaluation of the new legal regulation.

The conclusion sums up the main points which were discussed in the thesis and contains the implications that were discovered in the process of writing this diploma thesis.