Abstract

This paper deals with legal regulation of providing and mediation of credits for consumers with respect to public law. The most important goal of this regulation is to protect consumers.

This thesis analyses an act, which came into effect about 1 year ago transposing a directive regulating credit agreements for consumers relating to residential immovable property and a directive regulating other credit agreements for consumers, evaluates its suitability, considers its imperfection and proposes appropriate changes.

The paper is divided into 4 chapters according to the structure of the Act No. 257/2016 Coll. on consumer’s credit. The first chapter analyses what exactly shall be considered as the consumer’s credit and defines four essential features of a credit for consumers as it is construed in this Act. The second chapter deals with requirements for obtaining permission for those entities who apply for permission for providing or mediation consumer’s credits, describes possible structures of representation of these entities and potential offence liability, which can be imputed to the represented entity. This chapter also analyses functions of the register, conditions of qualification and deals with definition of credibility and its relation to other laws regulating business of other entities on the financial market.

The third chapter deals in detail with rules of acting of providers and intermediaries in relation to the consumer including rules of providing advice and recommendation to the consumer, their obligation to comply lege artis with credit rating of consumer and potential consequences of not meeting these obligations. This chapter also describes rules of publishing required information in advertisement on a credit for consumers and rules for providing information addressed to the consumer before entering into a credit contract. The fourth chapter evaluate supervision carried out by the Czech National Bank on providing and mediation credits to consumers and potential offence liability.

The conclusion comprehensively evaluates changes related to the enacting of this new act, summarizes its imperfections and proposes changes.