

## **Abstract**

### ***The transfer of an undertaking/business in Czech and European Labour Law***

The aim of my thesis is to thoroughly analyse the regulation of transfers of undertakings, businesses or parts of undertakings or businesses in the perspective of Czech and European Labour Law. The reasons for choosing this topic are my genuine interest in Labour Law and the fact that this area of Labour Law is relatively overlooked by most authors in the Czech Republic.

Aside from the general introduction and conclusion, this master thesis will consist of three main parts, each of them dealing with different aspects of the topic concerned. The introductory part defines basic terminology used in the thesis and describes my motivation for choosing this topic. The first part gives a brief historical overview of the development in this area of Labour Law both in European Law and Czech Law.

The second part deals with transfers of undertakings/businesses within European Law, so the Council Directive No. 2001/23/EC and the respective case law of the Court of Justice of the European Union are mostly discussed there. Therefore, this part focuses on various aspects of this topic such as legal transfer, merger or identity of economic entity. Then, several methods of the transfer of undertaking/business within the sense of the directive 2001/23/EC are described there. Next, the safeguards of employees in the case of transfers of undertakings/businesses set by the directive 2001/23/EC are analysed in this part as well. Moreover, possible troubles with the interpretation and application of concrete provisions of this directive are discussed too in the second part of this master thesis.

The third part of this thesis deals with transfers of undertakings/businesses under Czech Law. After the introductory chapter, this part is divided into two major chapters. One chapter describes the given topic in the perspective of the Czech Labour Code and above all it addresses the issue of the transfer of rights and obligations arising out of employment relationships in the case of transfers of activities or tasks to transferees and

its consequences under the Czech Labour Code. The other chapter analyses a transfer of rights and obligations arising out of employment relationships under the special acts, especially under the New Czech Civil Code, the Czech Act on Transformation of Business Corporations and the Czech Insolvency Act.

The conclusion briefly summarizes the outcomes of the thesis and provides the author's opinion about possible further development of the regulation and case law in this area of the Labour Law.

**Key words:** a transfer of an undertaking/business, the Directive No. 2001/23/EC, a transfer of rights and obligations arising out of employment relationship