

ABSTRACT

This thesis focuses on the issue of creation and realization of a pledge in the current legislation. The thesis is structured as follows: introduction, three main chapters which constitute the body of the thesis, and conclusion.

The first chapter called *general introduction* deals with the concept of a pledge, in particular its main principles and functions. It further introduces the parties to a relationship established by a pledge and the institute of future pledge together with its practical applications.

The second chapter called *creation of a pledge* provides the overview of individual titles based on which and modes in which a pledge may be created. The chapter describes creation of pledge by (i) an agreement (ii) a decision of a public authority; or (iii) a statute. This chapter further focuses on pledge creation modes as listed in the Civil Code and the Insolvency Act. The chapter also pays special attention to the creation of a pledge by registration in the public registers, the issue of public registers and the effects of material publicity principle. The chapter separately deals with the creation of a pledge over securities and receivables. Finally it also covers the creation of a pledge in the insolvency proceedings.

The third chapter called *realization of a pledge* considers the possible ways how a pledge may be realized and primarily focuses on the realization of a pledge established by an agreement. In connection with the above it deals with the agreement on the realization of a pledge, its forms and its parties. The chapter further considers the content of such agreement, i.e. possible contractual arrangements on the realization a pledge, such as the market sale of a pledge, sale of a pledge on behalf of an agent, sale of a pledge to a pre-determined person or sale of a pledge in a public auction. These arrangements are then further analysed in the light of the prohibited arrangements as set out by the Civil Code and special attention is given to possible consequences arising from any breach of these prohibited arrangements. Moreover the chapter deals with the realization of a pledge by a judicial sale and sale in a public auction. The chapter finally deals with special means of realization of a pledge, in particular it deals with the realization of a pledge over a share in a company, over a security and over a receivable. This chapter also covers the realization of a pledge in the insolvency proceedings.

In *Conclusion* the author summarizes the overall impression of the current legislation regarding the creation and realization of a pledge, attempts to explain its greatest advantages and disadvantages and recapitulates partial conclusions of the thesis.