

Regulation of investment services

Abstract

The main idea of this diploma thesis is first to present the very complex issue of legal regulation of the provision of investment services in the Czech Republic and then to select certain potentially problematic and unclear areas which are analyzed using various research methods and then to reach a clear conclusion on how these concepts and areas should be interpreted in the meaning of the overall regulation of the capital market.

The first and second chapters of this thesis define the various concepts that will be repeatedly dealt with in the diploma thesis and which are essential to the following chapters. Next, there is a general introduction to the very broad legal regulation of the provision of investment services which is mainly conceived so that the diploma thesis can only focus on specific selected areas of the regulation of the provision of investment services in the following chapters. The aim of the third chapter is to provide a detailed introduction to and a clear definition of the concept of investment services intermediation, particularly in view of the not entirely clear but very broad range of activities that fall under that concept. The focus of the chapter then moves towards an analysis of the concepts of recommendations and preparatory work. The aim of the fourth chapter is then to draw a clear line between the provision of investment advice on the one hand and the provision of certain unregulated general recommendations on the other. This chapter again focuses in depth on the concept of recommendation which is in some form a defining feature of both services. The fifth and final chapter of this diploma thesis deals with the main investment service of dealing on own account. The aim of this chapter is again to define the boundary of when an activity is a regulated and when it is not using a detailed analysis of individual exceptions where the activity fulfils the parameters of an investment service but is exempted from the regulated regime directly by the legislator.

The common goal of the whole diploma thesis is to define the boundary for selected services when it will be provision of investment services which is strictly regulated and when it is not.