

Abstract

Liability of the insolvency administrator for damage or other loss

The topic of this thesis is the liability of the insolvency administrator for damage or other loss and its aim is to elaborate this topic in detail and to highlight the interpretative issues.

The focus of the thesis is the analysis of the division of possible claims for compensation for damage or other loss against the insolvency administrator and the disputes arising from them. In the thesis I divide these claims into individual claims, i.e., claims that arise from the relationship between a particular claimant and the insolvency administrator, and claims that are related to the estate. In the case of these claims, their specificity is explained. The second division of claims is into claims that can be resolved through the application of the general provision on the insolvency administrator's liability for damage or other loss (§ 37 IZ) and claims to which this basic provision cannot be applied.

Subsequently, the individual aspects of liability (prerequisites for the obligation to compensate for damage) are discussed, taking into account the specifics of the individual disputes. The nature of the individual prerequisites for liability and their relationship to the other prerequisites are always explained. The procedural aspects are then connected to substantive law questions. Thereafter I am addressing the issues of the type of disputes (incidental, non-incidental), the petition of the action, the burden of proof and, above all, the issue of standing, since the question of who can actually enforce a given claim against the insolvency administrator (active standing) is crucial.

The basic method of the thesis is a description of the current legislation and case law, its critical evaluation and interpretation of the disputed issues. Subsequently, alternative solutions are proposed which, in my opinion, could improve the quality of the legislation or at least make it clearer.

Key words: insolvency administrator, liability, damage