

Bankruptcy of financial institutions

Summary

The thesis deals with the issue of bankruptcy of financial institutions with the aim of providing a comprehensive interpretation of the current legislation and its analytical assessment. The thesis is divided into 7 chapters within which the reader is initially introduced to the key words of this thesis such as "*bankruptcy*" and "*financial institution*" and then to the individual procedures that can occur in the event of failure of financial institutions, which are: resolution proceedings under the CRD, liquidation under the CC and insolvency proceedings under the IC. Attention is thus primarily paid to the mutual definition of these procedures in order to declare in which cases the procedures are applicable, with which specifics and under which conditions.

In the chapter on resolution proceedings, the reader is given a closer look at the BRRD and the CRD, which implemented the directive into the Czech legal system and which, apart from the resolution proceedings themselves, also regulates preventive measures taken to prevent the emergence of negative effects of potential failures of financial institutions on the financial system in the form of recovery plans or crisis resolution plans. An unforgettable part of the chapter is also the specification of individual crisis resolution tools such as transfer instruments, bail-in or bail-out and the possibilities of their use, as well as the position and role of the CNB and GSFT in the proceeding.

Attention is also paid to the process of withdrawal of the banking licence, or other authorisation to operate, by the CNB as an inherent condition for these entities to enter liquidation and insolvency proceedings, and to the liquidation process itself, with a focus on the person of the liquidator, the course of the proceedings and the differences in the liquidation of financial institutions compared to the liquidation of ordinary commercial companies.

The main part of the thesis is then the chapter on insolvency proceedings, which focuses mainly on the specific regulation enshrined in Title IV. IZ and thus the issue of initiation of insolvency proceedings, including the circle of claimants, the position of the insolvency administrator or the determination of creditors' claims from the debtor's accounts, the review of these claims, possible objection proceedings and their subsequent satisfaction.

An essential part of the work is also a case study of the liquidation and insolvency proceedings of Sberbank CZ, a.s. in liquidation and a comparison of Czech and German legislation.