

Summary

Anonymity of shareholders and the associated degree of transparency of the joint-stock company belongs in the field of company law among the most debated issues. Especially in light of the necessary fight against money laundering and financing of global terrorism European legislation creates extensive modification of the terms which are targeted on uncovering the identity of genuine owners of joint-stock companies. Czech Republic is obliged to transpose these terms into Czech law. From this perspective, it is a very dynamic subject that is rapidly evolving and is not analyzed comprehensively.

Work is primarily devoted to the description of the institutes in Czech private law, which allow to maintain the anonymity of shareholders and degree of their possible identification. The thesis contains also the characteristics of selected public law acts in which is presented strong public interest on the identification of beneficial owners of corporations. The thesis also reflects upcoming changes that will in the near future modify the position of shareholders and their potential unfolding.

The first two chapters focus on the brief description of the historical development of the concept of shareholders anonymity and the terms of their identification. The second chapter focuses on the enactment of the Bearer Share Restriction Act which fundamentally limited the institute of bearer shares in Czech Republic and became the first means for fighting the non-transparent ownership structure of joint-stock companies.

The third chapter defines an effective regulation of the anonymity of shareholders and conditions of their identification contained mainly in the Civil Code and the Business Corporations Act. It describes the identification of shareholders with respect to the form of held shares, the information published in the Companies Register and some other responsibilities that are directly connected to the shareholder identification. The fourth chapter briefly discusses selected private law institutes that are most commonly used to purposefully conceal the identity of shareholders.

The last chapter describes the regulation of shareholders identification applying selected public law acts. The chapter is about the unfolding of beneficial owners according to the Banking Act, the Public Procurement Act and the Anti-Money Laundering Act.