

Resumé

Public and legal protection of a client of financial services

This diploma thesis deals with public and legal protection of a client of financial services to which is in my opinion given relatively marginal attention in the Czech legal area. The introduction outlines meaning and role of legal protection of a client in market economy, which is one of the basic premises for the proper functioning of a democratic state represented by the rule of law. I have also defined the key terms of this paper which are „client“, „consumer“ and „financial service“. After detailed analysis I have distinct a client of financial services for this work as a consumer in accordance with interpretation in the European and Czech legal framework.

Second part is devoted to theoretical basics and principles of consumer protection. I have analyzed basic principles of this topic, i.e. the principle of protection of the weaker party and the principle of autonomy of the will and their respective relation. I have also elaborated in detail tools used for consumer protection.

The third chapter is focused on institutions that are involved in the legal protection of a client of financial services and I have briefly defined their status, duties and powers. Next part consists of analysis of legislation which regulates client's protection in the sectional legal domains.

Fifth part is dedicated to the dispute resolution coming out of contracts between the clients and providers of financial services. Emphasis is laid on alternative dispute resolution, focusing on the authority of the Financial Arbitrator. Sixth part presents the differences between diverse approaches of legal protection of a client of financial services in France and Germany. In the last chapter is stated consideration de lege ferenda about possible changes in the legislation related to protection of a client of financial services.

The conclusion of the thesis recapitulates the most important knowledge and information gained from the research and offers evaluation of provided legal protection. Above that I would like to point out my proposal de lege ferenda concerning elaboration of a new consumer code.