

Resumé

The purpose of my thesis is to analyze the effective regulation of the loan agreement. First chapters deal with a distinction between the meaning of credit in an economic and in a legal sense, loan agreement's historical evolution and basic principles of credit granting.

Then I outline the changes to the regulation of the loan agreement in the past 19 years and briefly deal with the proposal of the new complex civil code, which is being drafted at the moment.

The main part of this thesis lies within the Chapter 9. There, I deal with the main issues concerning the loan agreement. Subchapter 9.1 discusses the parties to the loan agreement. It is generally accepted that there are no limitations as to who may be a creditor or who may be a debtor.

Subchapters 9.2 and 9.3 deal with the obligation of the creditor to provide the financial resources stated in the agreement, with the possibility to terminate such obligation and with the payment for the conclusion of the loan agreement. The payment is deemed to a fee for the reservation of funds.

Description of ways of disbursement of the loan is included in subchapter 9.4.

One of the basic obligations of the debtor, the obligation to repay the loan together with the accrued interest is discussed in chapters 9.5 and 9.6. I also deal with a possibility of having a loan agreement without the obligation to pay interest – such agreement is possible but only as an innominate agreement.

Subchapter 9.7 explains the default interest, which is a sanction for the debtor if he or she fails to repay the loan when it is due. This subchapter also deals with the co-existence of commercial interest and default interest as well as default interest from commercial interest. This issue is followed also in subchapter 9.8, which discusses the consolidation of capitalized interest with the loan.

Subchapter 9.9 briefly describes purpose of conclusion of security agreements together with the loan agreement, particularly the pledge agreement.

Chapter 9 is then concluded with subchapter dealing with general conditions and their application in the conclusion of loan agreements and with subchapter dealing with the possibility, conditions and consequences of the withdrawal from the loan agreement.

Chapter 10 discusses the special regulation, which applies to the loan agreements provided to consumers, which, in order to protect the weaker side of the contractual relationship, states some additional provisions applicable to the loan agreement.

Chapter 11 examines loans provided by banks to corporate clients, including the syndicated loan agreement, which is a version of loan agreement in which the loan is provided by a syndicate of participating banks.

In the course of working on this thesis I examined all relevant acts and read all available books (including commentaries), articles and court decisions, which deal with the loan agreement. I tried to understand their point of view and to form an opinion of my own. Such opinions based on my understanding of the materials I worked with are, together with the reasoning, an important part of this thesis.