

Abstract

Reorganisation and restructuring in Czech and European Law

This thesis deals with the Czech and European legal regulation of corporate bankruptcy rehabilitation. In the first part, the Czech variant of reorganisation in insolvency proceedings is analysed and then compared with the German and Dutch legislation. The phases preceding the decision to reorganise a company, such as the court moratorium, the drafting, approval and effects of the reorganisation plan, credit financing and the valuation of the debtor's assets are discussed.

In the second part, this paper examines the Restructuring and Insolvency Directive accepted in 2019 by European Union and the reasons for its adoption. It outlines the possible ways of implementing this directive in the Czech legal system and the pitfalls that will have to be dealt with. It also explains the most important institutes introduced by the Directive, such as early warning systems, financing of the debtor and the elements of restructuring plans. Since the Directive has already been transposed into the laws of Germany, Netherlands and Greece, this paper also looks at the form of their arrangements.

Finally, these types of corporate recovery solutions are compared, their advantages and disadvantages are presented, and the implications of the new institute of preventive restructuring for the Czech legal system are discussed.