



Mandatory courses

Faculty of law » LL.M. » Specialisations » Specialisation I

Business and commercial law

Lecturer: JUDr. Alena Bányaiová, CSc.

1. Introduction to Czech Commercial Law

- Commercial law, structure, essentials of commercial law and its place in the Czech legal system
- Basic terms of commercial law
- Entrepreneurs as parties to commercial relations
- Conduct and legal acts in commercial relations

2. Essentials of Czech Company Law

- Legal forms of companies
- Establishment, existence and termination of companies
- Acting on behalf of a company in the course of its formation
- Commercial Register

3. General Partnership, Limited Partnership

- General overview and corporate structure
- Rights and duties of partners
- Corporate management

4. Limited Liability Company

- General overview and corporate structure
- Rights and duties of partners (shareholders)
- Corporate management

5. Joint Stock Company

- General overview and corporate structure
- Rights and duties of shareholders
- Corporate management

6. Joint Stock Company - Harmonization with EU Law

- Minority shareholders and their rights
- Measures preventing conflicts of interest
- Basic principles of corporate groupings

7. Competition Law

- General overview of competition law – private law and public law aspects of competition law
- Unfair competition – general clause
- Unfair competition – specific clauses and relevant case law

- Remedies

8. Competition Law - Antitrust

- Cartel regulation
- Abuse of dominant position
- Private law remedies
- Other means of public law protection of competition - merger control, public procurement, state aid

9. Commercial obligations

- Principles of application of the Commercial Code on commercial relations
- Law of contracts, special means of contracting, agreement on future agreement
- Security obligations
- Changes to and termination of commercial contracts
- Liability for damage

10. Typical commercial contracts

- Contract on sale of enterprise
- Contract on lease of enterprise
- Sales representation
- Silent partnership

Fundamentals of Private Law for Business and the Judicial Protection of Rights

Lectures:

JUDr. Ondřej Frinta, Ph.D. (Fundamentals of Private Law)

Doc. JUDr. Alena Macková, Dr. (Judicial Protection of Rights)

JUDr. et PhDr. David Elischer, Ph.D.,

JUDr. Jana Hrstková, Ph.D. LL.M.

1. Introduction to Private Law in the Czech Republic

- Historical development.
- Sources of civil law in the Czech Republic – the system and relations among them
- Fundamental principles and institutes of private law

2. Subjects of Rights and Duties in Private Law

- Natural persons
- Legal entities
- Legal capacity
- Capacity to perform legal acts

3. Property Law in Czech Republic

- The concept of the thing in Czech law
- The system of iure in re
- Ownership, lien, easements, retention right
- Real estate cadastre

4. Obligations I

- Formation, termination
- Change of parties, change of content

- Security of obligations

5. Obligations II

- Common types of nominate contracts
- Consumer contract

6. Liability in Private Law in the Czech Republic

- Liability for damage

-General and special liability

-Strict liability

-Manner and scope of compensation for damage

- Unjust enrichment

7. System of justice

- The system of courts
- Constitutional and civil judiciary
- Legal status of the judge

8. The bar, notaries and executors and other legal professions

- Legal aid system
- The position and the role of the bar
- The role of the notaries and the executors in the legal system

9. Civil litigation

- The protection of rights, claims
- 1st instance civil litigation, evidence, judgement, costs
- Appellate proceedings, alternative dispute resolution

10. The enforcement of judgements

- The courts and executors
- The enforcement of judgements and execution

Insolvency proceedings

Course description:

The course focuses on fundamentals of theoretical background and principles of private law in the Czech Republic, including prepared amendments. First and foremost, the course is focused on actual legal regulations enacted namely in the Civil Code, the Civil Procedure Code and related laws, such as the Act on Liability for Damage Incurred by a Defect of a Product in civil substantive law, the Act on Insolvency and Its Resolution, and the Execution Procedure Code in civil procedure. The basic emphasis of the course is on explanation of legal regulation of obligations, including the conception and legal regulation of liability. Attention is also paid to rights in re, both theoretically and in practice (transfers of ownership, namely of immovables). Extra attention will be paid to the draft of the new Civil Code.

Private International Law and International Business Transactions

Lecturers:

Prof. JUDr. Monika Pauknerová, CSc., DSc.,

JUDr. Jan Brodec, Ph.D., LL.M.,

JUDr. Zbyšek Kordač. LL.M.

1. Private International Law – General introduction

- General introduction and special characteristics
- Conflict of law rules and substantive rules
- European Private International Law

2. General part of Private International Law

- Classification
- Renvoi
- Application of foreign law

3. General part of Private International Law

- Mandatory rules
- Public policy

4. Persons in Czech and European Private International Law

- Natural persons
- Legal persons and "other than foreign natural persons"
- Persons and freedom of establishment in European and Czech law

5. Law applicable to contractual and non-contractual obligations

- Determination of the proper law of contracts and torts
- Law applicable to contractual obligations
- Law applicable to non-contractual obligations

6. International commercial contracts

- General climate
- Sources of law and other formulations
- Lex mercatoria
- International sales contracts, CISG
- Sphere of application
- Formation of the contract and obligations of the parties
- Passing of risk
- Remedies for breach

7. Settlement of commercial disputes

- Introduction
- General questions and sources
- Litigation or alternative dispute resolution
- Basic elements of international civil procedure

8. Settlement of commercial disputes: European Private International Law (JP)

- European Regulations concerning dispute settlements
- European Regulation on insolvency proceedings
- Jurisdiction pursuant to Brussels I Regulation
- Recognition and Enforcement of judicial decisions pursuant to Brussels I Regulation
- Recognition and Enforcement of European Enforcement Order and European Payment Order

9. International commercial arbitration

- Introduction – the options for international dispute resolution
- International conventions
- Arbitration in the Czech Republic

Course description:

- The course on private international law focuses on general problems of regulation of commercial relations containing international element, especially with a comparative emphasis.. The subject of the course is both the classic general part of private international law and the general interpretation of international uniform law, including complicated problems of sources of law and their mutual relations.
- In addition, a particular part of the course is focused mainly on the subjects in international commercial relations, choice of law in the field of contractual and non-contractual obligations and on the most important international commercial contracts. The course also concentrates on the possibilities of settlement of international commercial disputes in judicial and arbitration proceedings.

EU Internal Market Freedoms and Competition Law

- Lecturers:

Doc. JUDr. Pavel Svoboda, PhD., D.E.A.

Prof. JUDr. PhDr. Michal Tomášek, DrSc.

JUDr. Tereza Kunertová, LL.M.

JUDr. Václav Šmejkal, Ph.D.

1. EU Internal market basics

- economic integration forms
- system of legal regulation
- fundamental principles
- non-discrimination on the grounds of citizenship / origin
- legality of so-called reverse discrimination (discrimination of own nationals)
- relations among internal market freedoms

2. Free movement of goods

- principle
- material (notion of goods) and territorial (EU territory v free movement of goods territory) scope of the principle
- barriers and their removal
- exemptions
- common commercial policy as external aspect of free movement of goods

3. Free movement of persons

- personal and territorial scope of the principle
- exemption
- importance of migrant workers
- non-discrimination principle

4. Freedom of settlement

- principle
- exemptions
- methods of rapprochement of national legislation in the area of legal persons regulation

5. Free movement of services

- principle
- definition of services vis-a-vis other internal market freedoms

6. Free movement of capital and payments;

- coordination of Member States' economic policies and common currency

7. Competition law I

- basics and structure of legal regulation
- relations among individual anticompetitive activities
- cartel agreements

8. Competition law II

- abuse of dominant position
- dominant position notion
- abuse notion
- antidumping as external aspect of dominant position abuse

9. Competition law III

- relationship between national and EU competition laws
- state aid
- antitrust as external aspect of EU state aid regulation
- public tenders and their relationship to free movement of goods and services

10. Intellectual property and Internal market

- IP and free movement of goods
- parallel imports: IP and competition law
- distribution agreements – free movement of knowledge after the Lisbon Treaty

Course description:

- This course of 10 two-hour lectures introduces students to the foundations of the EU internal market and its legal regulation. All of these lectures depart from positive law as construed by the European Court of Justice, whose case-law has not only been filling-in lacunas of the Treaties but also shows which of its parts have proven to be important for economic practise. The course will demonstrate a common feature of all four market freedoms. Basic links to global economic regulation (GATT, GATS, TRIPs) are part of the course.

International Economic Law

Lecturers:

Prof. JUDr. Pavel Šturma, DrSc.

JUDr. Vladimír Balaš, CSc.

- 1. Introduction to international legal framework of economic relations
- 2. Subjects of International Economic Law. International economic organizations
- 3. State in IEL. Jurisdictional immunities of state
- 4. Sources of IEL. International treaties. Interpretation
- 5. Diplomatic protection. Case law (PCIJ, ICJ)
- 6. WTO. Dispute settlement
- 7. Protection of property rights by the European Court of Human Rights. Case law
- 8. Multilateral and bilateral investment treaties
- 9. ICSID arbitration
- 10. UNCITRAL and arbitration ad hoc