

Abstrakt v anglickém jazyce

This Master's Thesis conducts a comprehensive analysis of preventive restructuring within the framework of Czech insolvency law, focusing on its practical applicability and benefits for commercial corporations facing financial difficulties. Special attention is given to the European Union Directive on preventive restructuring, aimed at harmonizing approaches to solution of financial difficulties across member states and providing effective tools to prevent business failure. The thesis examines the legislative framework of preventive restructuring, analyzes its implementation into Czech legal system, and compares it with approaches in other countries. Through theoretical examination and empirical data analysis, this thesis assesses whether preventive restructuring can be a suitable tool for financial rehabilitation and whether it can fulfil the expectations associated with its introduction.

Key findings indicate that although preventive restructuring represents a debtor-friendly and less procedurally demanding approach, its real impact on the business environment in the Czech Republic will be limited. Empirical data suggest that since the introduction of the Insolvency Act, there has not been a significant increase in cases where bankruptcy is resolved through reorganization, which, considering the common features of preventive restructuring and reorganization, implies that preventive restructuring is unlikely to see more significant use.

The thesis is divided into six main chapters, systematically exploring the Directive of the European Parliament and the Council (EU) 2019/1023 on preventive restructuring, the characteristics and principles of preventive restructuring, the current legal status in the Czech Republic including the Act on Preventive Restructuring, and international comparison of preventive restructuring and its coexistence with the approach of reorganization in the Czech legal environment. The final chapter focuses on the expected applicability of preventive restructuring. This thesis offers a comprehensive view on preventive restructuring, analyzes its potential benefits and challenges, and provides a comparative perspective with an emphasis on the Czech context. The conclusion summarizes key findings and reflects on the research questions raised in the introduction, noting that despite certain debtor-friendly aspects and procedural advantages, preventive restructuring in its current form is unlikely to have a significant impact on resolving the financial difficulties of commercial corporations in the Czech Republic.

