

Specifics of bank insolvency proceedings

Abstract

The diploma thesis deals with the specifics of bank bankruptcy with the aim of analytically evaluating the current legislation. The thesis is divided into four parts.

The first part deals with the general legal regulation of the bank and other related institutes such as the banking license or the protection of the bank's business name. It also deals with banking supervision, which is exercised by the Czech National Bank and is extremely important during the bank insolvency proceedings.

The next section discusses the specifics of bank bankruptcy proceedings. The part is divided into several chapters. Bank insolvency proceedings are specific from the filing of the insolvency petition, which is discussed in the first chapter. The second chapter deals with the only possible way to resolve a bank's insolvency, which is through bankruptcy. The bank insolvency administrator, which is the subject of the next chapter, is specific in terms of the expertise required by the legislation. The last chapter then mentions the specificities arising in the course of bank insolvency proceedings and is divided into 5 points. These points describe the special information obligation, claims arising from the accounts, priority satisfaction of certain claims, the special procedure for the set-off of claims and, finally, the institution of mortgage estate.

The third part deals with the protection of third-party rights in the context of the Financial Market Guarantee System. The latter is divided into the Deposit Insurance Fund and the Resolution Fund, and this part of the thesis is also divided into two chapters.

Finally, examples of domestic insolvency proceedings of large banks that have significantly influenced, or still influence, the Czech and global financial market are mentioned and analysed in two chapters. The first chapter describes and analyses the insolvency proceedings of ERB bank, a.s. in liquidation, while the second chapter presents the more recent case of the insolvency proceedings of Sberbank CZ, a.s. in liquidation.

Klíčová slova: insolvency, bankruptcy, bank