

bnt journal

CZECH REPUBLIC

■ ON THE NEW PUBLIC PROCUREMENT RULES

The Public Procurement Act brings some welcome relief from what has been (in some cases) pure overblown formalism. In the future, contract awarding authorities are less straightjacketed when it comes to evaluating the qualification of bidders or ordering extra work. Also, the list of reasons for which bidders may be excluded from a tender has been extended. Because of this, the contract awarding authority is allowed to respond more flexibly to the way in which a given tender procedure develops over time, and make decisions not solely based upon the submitted tender documentation but also based upon its broader knowledge of the individual bidders.

[More here](#)



■ ACQUISITION OF OWNERSHIP TITLE FROM A NON-ENTITLED SELLER

■ Vlekly spor o to, zda je možné nabývat vlastnické právo od nevlastníka, má již své kladné řešení. Jednak je to nová právní úprava účinná od 1. 1. 2015, podle které lze vlastnictví takto nabývat, a jednak náleží Ústavního soudu vztahující se na případy před účinností nové právní úpravy. [More here](#)

■ DEFECTIVE ARBITRATION AWARDS AND THE RES JUDICATA DOCTRINE

■ The Supreme Court has taken position on the issue of how to proceed if a matter was decided by an arbitration award which is, however, defective (in the sense that it was issued by an arbitration tribunal which had no jurisdiction). In such a case, the parties to the dispute may seek redress in court without having to file a claim for nullification of the arbitration award first. [More here](#)

■ A NEW FRAMEWORK FOR CONSUMER CREDIT

■ The House of Deputies is currently debating a new law which will tighten the rules for consumer credit providers. The bill in question proposes a much stronger form of protection for consumers in their position as borrowers, and expands the right to penalty-free early repayment of loans. The supervision over non-banking lenders will be taken over from the Czech Trade Inspection by the Czech National Bank. Given the more stringent conditions for acting as a consumer credit institution, one may expect the number of companies offering this kind of product to drop considerably after the adoption of the new law. [More here](#)

■ CASE LAW DIGEST

■ According to the Czech Supreme Court, a member of the statutory body (i.e., the executive body) of a company who failed to observe its duty to report (potential) conflicts of interests within the meaning of Sec. 54 (1) and (2) of the Corporations Act is being prevented from legally acting on behalf of the company if an actual conflict exists between the interests of this member of the statutory body and the interests of the company (and the actions of such a member of the statutory body will trigger all the consequences arising from the application of Sec. 437 of the Civil Code). [More here](#)

■ LEGAL AND TAX NEWS

■ After protracted discussions, a bill concerning the property transfer tax, which among other things seeks to establish a single unified rule according to which the transferee (buyer) is always the taxpayer, has now gone to second reading. [More here](#)

■ The act on the electronic reporting of sales, whose stated objective it is to ensure better fiscal management by the treasury by facilitating the collection of relevant information, will come into force on 1 December 2016. [More here](#)

■ The General Health Insurance Company (Všeobecná zdravotní pojišťovna) has introduced a new central address of service: **VZP ČR, P.O.BOX 111, 586 01 Jihlava**, for employers in their capacity as contributors (payers of the insurance premium); employers are asked to send all mandatory forms to this address (i.e., the **overview of contribution payments by the employer, collective reports of the employer, registration form for signing up as an employer, and verification sheet for recording the employer's history with the insurance company**).

[More here](#)



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