

bnt journal

CZECH REPUBLIC

■ DEATH KNEEL SOUNDS FOR CERTIFICATED BEARER SHARES

The new Act on certain measures to increase transparency at joint-stock companies is set to come into force in the course of June. As of the moment in which this act comes into force, it will no longer be possible to issue certificated bearer shares, with the sole exception of immobilized shares, i.e., those cases in which the certificated bearer shares are deposited with an authorized entity such as a securities trader. The intention behind the law is to ensure that the actual shareholder can always be identified, which ought to improve transparency in the business environment. [More here](#)



■ FAKING WORK PERFORMANCE CONSTITUTES GROUNDS FOR INSTANT DISMISSAL

■ The Czech Supreme Court has handed down an interesting judgment (21 Cdo 2596/2011) in which it interprets the term “gross breach of employee’s obligations” (as grounds for the immediate termination of employment by the employer). [More here](#)

■ WILL FORFEITABLE PLEDGES BECOME A REALITY AFTER 1 JANUARY 2014?

■ A ‘forfeitable pledge’ is a pledge which passes into the creditor’s ownership if the debtor fails to repay their debt in time. Under the current Civil Code, any agreement on such a forfeitable pledge is invalid. [More here](#)

■ A CHANGE OF RULES REGARDING PRE-EMPLOYMENT MEDICAL EXAMINATIONS

■ An amendment to the Act on Specific Healthcare Services has come into force on 1 April 2013 which redefines the conditions under which the fitness for work of individual job seekers is being assessed. [More here](#)

■ LEGAL AND TAX NEWS

■ For a transitional grace period up until 30 September 2013, the tax authorities will not enforce **the guarantorship for unpaid VAT in the case of payment into a bank account not publicly listed with the finance office** (according to communication 14 232/137001-21002-012287 by the General Finance Directorate of 29 March 2013). [More here](#)

■ **A part of the concomitant legislation in connection with the adoption of a new private law in the Czech Republic is being discussed on the floor of the Chamber of Deputies** – i.e., specifically, a draft amendment of laws in connection with the recodification of private law (parliamentary press No. 930), a draft act on special court proceedings (parliamentary press No. 931), a draft amendment to the Code of Civil Procedure (parliamentary press No. 932), a draft Register Act (parliamentary press No. 986), and a draft act on the amendment of tax laws (parliamentary press No. 1004). All these laws are expected to come into force on 1 January 2014. [More here](#)

■ SELECTED JUDICATURE

■ In a recent decision, the Supreme Administrative Court reiterated its legal opinion first expressed in April 2012, according to which **non-realized exchange rate gains and losses do not form a part of the tax assessment base**. [More here](#)

■ The Constitutional Court **has struck down a decree known as the Cost Awards Ordinance** (which defined the amount which the counter-

party has to pay to a participant to the proceedings who is represented in court by an attorney-at-law). The amount awarded in costs of proceedings shall now be calculated based on the Attorneys’ Fees Tariff. [More here](#)

■ CORPORATE SOCIAL RESPONSIBILITY

■ For the first time, **bnt | attorneys-at-law** sent a delegation of its athletically-minded colleagues to participate in this year’s Volkswagen corporate marathon. Our running team, in the following line-up: Fechtner, Josková, Šafránek, Šlancarová, negotiated the 42-km race track in 4:16:32. The proceeds from the starting fees were used for charitable purposes.

■ BNT IN THE MEDIA

■ **NOVINKY.CZ:** Thousands live with a ticking bomb under their feet: their apartments were built on third-party land (Lukáš Havel) [More here](#)

■ **PRAGER ZEITUNG:** Fictitious self-employment (Stephan Heidenhain)

■ **REKODIFIKACE A PRAXE:** Does the new Civil Code allow collective action on behalf of the company by a managing director (board member) and a proxy agent? (Lucie Josková) [More here](#)

■ **IHNED.CZ:** The knock-out rule, applied to conflicting terms of business (Kryštof Kobeda) [More here](#)

■ INVITATION

■ We would like to invite you to an interesting professional workshop, **Law in the healthcare sector**, which bnt will hold on 10 June 2013 in cooperation with the education agency 1. VOX a.s. The presenter will be Lukáš Havel, attorney-at-law, whose long-term specialization is in this field. [More here](#)

■ WHAT’S NEW AT OUR OFFICE

■ On 18 April 2013, bnt, in cooperation with the Czech-German Chamber of Industry and Commerce, held a professional seminar entitled “Public contracts – your ticket to the German market”. The idea was to present participants with the option of bidding for public contracts on the territory of the Federal Republic of Germany, as one of several alternatives for Czech service providers and other businesses to expand into foreign markets. The event took place under the patronage of the CzechTrade agency. [More here](#)

■ Markéta Pravdová, a partner of our firm, was asked to present the professional conference Labor-Law Aspects of Monitoring and Data Protection, held by the Institute for International Research GmbH in mid-April at the Prague Marriott Hotel. [More here](#)