

Persons excluded from the auction

A. Persons excluded from the auction according to §3 of Act No. 26/2000 Coll., on public auctions, as amended

(2) Participants in the auction may not be persons who cannot acquire ownership and rights to the auction items (Act No. 219/1995 Coll., Foreign Exchange Act, as amended), persons whose property has been declared bankrupt, or whose insolvency petition has been rejected because their property is insufficient to cover the costs of the insolvency proceedings, for a period of 3 years from the finality of such decision; no one may bid on their behalf.

(3) Participants in the auction may not be persons whose acquisition of ownership of the auction item could result in exclusion, restriction, or disruption of competition (§ 8 and following of Act No. 63/1991 Coll., on the protection of competition, as amended); no one may bid on their behalf.

(4) Participants in the auction may not be persons who have not paid the auction deposit, if required, and in a repeated auction, not even the successful bidder who caused the previous auction of the same auction item to fail with the same auctioneer; no one may bid on their behalf. Employees of the relevant trade licensing office and employees of the Ministry of Regional Development (hereinafter referred to as the "ministry") responsible for controlling the auction are also not allowed to bid in the auction they are overseeing; no one may bid on their behalf.

(5) Participants in the auction may not be the auctioneer organizing and conducting this auction, a person who is its statutory body or a member of its statutory or other body, its employee, the auctioneer performing actions on this auction, nor the bankruptcy trustee, liquidator, or receiver if they are the proposers of this auction; no one may bid on their behalf.

(6) A person who is in a relationship with any of the persons listed in paragraph 5 as a close person^{3a}), a partner, a controlled person, or a person forming a group^{3b}) with them may also not be a participant in the auction; no one may bid on their behalf.

B. Persons excluded from the auction according to § 295 of Act No. 182/2006 Coll., on insolvency and its resolution (Insolvency Act), as amended

(1) The debtor, close persons to the debtor, and persons forming a group with the debtor may not acquire property belonging to the estate, even if it is sold by auction; this property may not be transferred to them even within 3 years after the end of the bankruptcy, even if they have a statutory pre-emption right.

(2) The provisions of paragraph 1 also apply to: a) senior employees of the debtor, as per § 33(3) and § 73(3) of the Labour Code, and their close persons, b) persons who had a decisive influence on the operation of the debtor's business or significantly influenced its other property activities in the last 3 years before the start of the insolvency proceedings or after its start, c) partners of the debtor, if the debtor is a business company other than a joint-stock company, d) shareholders of the debtor, if the debtor is a joint-stock company, if they hold shares representing more than one-tenth of the share capital, e) proxies of the debtor, f) members and alternates of the creditors' committee, unless the creditors' meeting has given them consent to acquire property from the estate.

(3) At the request of the persons listed in paragraph 1 or in paragraph 2(a) to (e) and after the opinion of the creditors' committee, the insolvency court may in justified cases grant an exception to the prohibition of acquiring property from the estate. If the acquisition of this property is to take place after the end of the bankruptcy, the insolvency court will decide on this request separately and may grant this exception to the persons listed in paragraph 2(f); only the person who submitted the proposal can appeal against its decision.

