



# Legal update

July 2025

## Weinhold Legal

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The information contained in this bulletin is presented to the best of our knowledge and belief at the time of going to press. However, specific information related to the topics listed in this bulletin should be consulted before any decisions are made.

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### News in legislation

#### Amendment to the Civil Code

On 1 July 2025, an amendment to the Civil Code and other related legislation entered into force in connection with the fight against domestic violence. The amendment introduces a unified definition of domestic violence and adds new legal instruments for the protection of victims of domestic violence.

The aim of the amendment is to unify the system of assistance for victims of domestic violence and to strengthen their procedural legal position. Additionally, the amendment seeks to recognize and address violent behavior from its early stages.

Domestic violence is defined as violent conduct towards a victim in any form, which generally involves the abuse of power or an unequal position. Such conduct can take various forms:

- ▶ Unauthorized interference with physical integrity.
- ▶ Repeated or serious unauthorized interference with mental integrity, liberty, dignity, honor, or privacy.
- ▶ Disruption of the victim's ability to meet their basic needs or the basic needs of household members.

A victim of domestic violence can include not only a person who has lived with the perpetrator in a shared household, but also someone whose household has been regularly visited by the perpetrator. A close person or a parent of a common child is also considered a victim of domestic violence.

An important change is the extension of the period during which a violent person may be expelled from the shared household from 10 to 14 days — thereby providing victims of domestic violence with more time to secure necessary assistance. The police are now required to take additional measures to protect the endangered person from a dangerous assault. Specifically, for the duration of the expulsion, the police may, for example, seize a weapon from the dangerous person. For this purpose, a weapon shall be understood as any object capable of intensifying an attack against the human body.

The amendment introduces the possibility for a person affected by the commission of an administrative offense to be accompanied by a confidant, similarly to what is permitted in criminal proceedings. The role of the confidant, who may be any legally competent natural person, is primarily to provide psychological support to the victim and to accompany them during the proceedings related to the administrative offense. Furthermore, the person affected by the offense now has the right to request that the administrative authority prevent any contact with the individual identified as the offender.

Other key changes in the amendment include:

- ▶ A requirement for the court to consider the fact that one of the spouses has committed domestic violence or an intentional criminal act when dividing the joint marital property.
- ▶ In cases of domestic violence, the affected spouse may propose to the court restrictions or exclusion of the other spouse's right to reside in the house. This right is now also extended to persons living in a shared household who are not married.
- ▶ The impossibility for the court to order the first meeting with a mediator if one of the participants is involved in an ongoing criminal or administrative offense investigation due to domestic violence.



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The amendment introduces significant changes aimed at enhancing the protection of victims of domestic violence and facilitating their access to legal protection. These changes should contribute to more effective prevention of domestic violence and provide adequate assistance to those at risk of domestic violence.

### Case law updates

#### Preliminary application for registration in the Commercial Register

*(Judgment of the Supreme Court, case no. 27 Cdo 1847/2024, dated April 8, 2025)*

On 30 August 2023, a joint-stock company (hereinafter referred to as the "Petitioner") submitted an application for registration of changes in the Commercial Register. Specifically, it sought the removal of a member of the board of directors and a member of the supervisory board, followed by their re-registration. However, both the removal and the subsequent registration of the members were to take effect nearly one year after the date of the application. The Petitioner also submitted, as part of the application, a resolution of the general meeting on the election of members to elected corporate bodies, which was to become effective on a specified future date.

The registration court rejected the application. The reason was that the Petitioner was not entitled to file the application at that time, as an application for registration may only be filed after the relevant event has occurred (Section 11(2) of the Act on Public Registers). In this case, the relevant event — the expiration of the term of office — had not yet taken place.

The appellate court partially revised the reasoning of the registration court. It held that the Petitioner, as a registered entity, is in principle always entitled to file an application for registration in the Commercial Register. Nevertheless, the appellate court dismissed the application as well. In its view, such a registration would contradict the purpose of the Commercial Register, which is to reflect the actual and current legal state of a company. In this case, the registration would not reflect the actual state, as it could not be ruled out that the offices in question might not arise in the future. For instance, by the time the entry is to be made, the elected individuals might no longer be eligible to hold office, or the general meeting might revoke the resolution upon which their election was based.

The Petitioner subsequently filed an appeal on a point of law (extraordinary appeal), and the case was brought before the Supreme Court. The Supreme Court thus addressed the admissibility of so-called preliminary applications for registration.

**The Supreme Court confirmed that preliminary applications are generally permissible** and are contemplated by the applicable legislation, including the standard registration forms. If the fact to be registered clearly arises from the submitted documents (e.g., a resolution of the general meeting) and the effective date is precisely determined, then registration courts are obliged to register the change as of the specified future date.

On the other hand, registration courts may not question whether the future fact will actually occur. Such an approach would contradict the principle of registration, which limits the courts' review to whether the fact to be registered follows from the submitted documentation.

The situation would be different, however, if the effectiveness of the registration were subject to a condition. In such a case, the effectiveness of the decision would depend on an uncertain future event, and the registration court would have to examine whether that condition had been met. For example, if the general meeting resolved to elect a

new board member subject to the company exceeding a certain turnover threshold, the registration court would be required to review the financial statements to determine whether the condition had been fulfilled.

#### Right to Settlement Share for "Non-Resident Members" of Housing Cooperatives

*(Judgment of the Supreme Court, case no. 27 Cdo 1582/2024, dated March 27, 2025)*

The settlement share is the amount that a former member is entitled to receive upon the termination of their membership in a corporation without a legal successor. Since the method of calculation and the amount of the settlement share may be determined by the articles of association or memorandum of association, the amount actually paid is often lower than the fair market value of the share.

Unlike other corporations, the primary purpose of a housing cooperative is to ensure housing for its members. This is a basic human need that enjoys heightened legal protection. For this reason, the Supreme Court (Judgment dated 22 June 2021, Case No. 27 Cdo 2711/2019) concluded—despite the statutory provisions—that in housing cooperatives, the settlement share must always reflect the fair market value of the cooperative share at the time the membership was terminated, regardless of what is stipulated in the cooperative's articles.

The interpretation of this earlier decision by the Supreme Court is at the core of the present dispute. The claimant (a former member of the housing cooperative) was paid a settlement share corresponding to their capital contribution, in accordance with the cooperative's articles. The claimant, relying on the above-mentioned case law, sought an additional payment to bring the settlement share up to the fair market value, arguing that only part of the rightful amount was paid.

**The Supreme Court, however, rejected the claim. The key reason was that the claimant was classified as a so-called "non-resident member" of the housing cooperative—that is, a member without the right to conclude a lease agreement for a cooperative apartment.**

In housing cooperatives, the right to lease a cooperative apartment is considered a fundamental right associated with the cooperative share. It is often this right that constitutes the main value of cooperative membership. The claimant did not possess such a right. Although they financially contributed to the construction of additional housing units, acquiring tenancy rights would have required a decision of the cooperative's board.

Since the claimant's cooperative share did not serve to fulfil a basic housing need, the Supreme Court concluded that there was no justification for providing increased legal protection in the public interest in this specific case.

It follows that non-resident members of a housing cooperative are not entitled to the exception to the statutory rule previously established by the Supreme Court in other cases. The amount of the settlement share for such members shall be determined according to the cooperative's articles of association or, where applicable, Section 748 of the Business Corporations Act—even if the resulting amount does not reflect the real (market) value of the share.

The right to a settlement share corresponding to the market value of the cooperative share will remain reserved only for members of the housing cooperative who actually reside in the cooperative (i.e., those who hold the right to conclude a lease agreement).



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