

Causation in the European Context

Abstract

The aim of this thesis is to provide an insight into the issue of causal link legislation in the European context. The author does not limit herself to an applicable Czech legislation, but also to the regulation pursuant to Principles of European Tort Law (PETL). An important part of this thesis is devoted to the relevant case law concerning causal link.

The first part of this thesis contains an interpretation of the concept of causality in the context of non-legal sciences. Furthermore, the author generally deals with liability for damage and each of its presumptions. The second chapter analyses the legislation pursuant to the Civil Code, respectively the Code of Civil Procedure. It also includes a detailed analysis of the Czech courts' case law and recourse into the loss of chance doctrine. The third chapter deals with legislation under PETL, the fourth chapter provides an insight into the concept of causality in selected European countries (England, France and Germany). Finally, the author compares the legislative differences between the "European" and Czech regulation and she also deals with the issue of legislation *de lege ferenda*.

The focus of this thesis is mainly the analysis of case law related to the causal link matter, since the relevant decision-making practice is the key tool for its definition. In this respect, the author aims to provide a detailed examination of Czech courts' case law in order to give a complete picture of the concept of causal link from Czech courts, respectively Constitutional Court's point of view. The author also, beyond the scope of the above-mentioned, analyses the case law of the Court of Justice of the European Union.

The partial aim of this thesis is to provide an inclusive comparison of "European" and Czech legislation, where the author also offers an insight into the legislation *de lege ferenda*. Finally, she tries to answer the question of whether the causal link falls under the legal or factual issue, when she summarizes the current view of this matter by the courts and jurisprudence.