

Abstract

This diploma thesis quite thoroughly deals with – at present a very topical – theme “liability for damage caused by a defective product”; thus, with an obligation to compensate for the damage caused by the defective product to its user (or third party), generally imposed on the person who is designated as the “producer” of the product, originally based on the Council Directive of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (85/374/EEC) (hereinafter 'Directive 85/374/EEC').

However, this work is not limited only to the (thorough) description of the currently valid and effective Czech implementing legislation. The thesis also compares the Czech legislation with the French implementing regulation, which is of a significantly higher legislative quality and much more faithful to its Union model. In fact, it was specifically France which shaped the final form of this responsibility regime, since it was the French transposition, and the French decision-making (judicial) practice, which was most often the subject of the Court of Justice's, as it ruled on the interpretation of the individual provisions and principles in the text of the previously mentioned directive contained. Nevertheless, France, or rather its regulation, was chosen for one more reason; as a state professing the ideas of continental legal culture, it is in connection with the fact that the Czech and French legislation have both the same model – Directive 85/374/EEC – more than capable to serve the Czech legislator as a considerable source of inspiration. Yet this comparison is not the main goal of this thesis...

The focal point of this thesis lies in the analysis of whether the directive in question fulfilled, or rather it still fulfils its purpose with which its authors have brought it to this world; thus, to assess whether this regulation has met the expectations that have been and still are placed on it, and if not, to try to identify the causes of this failure. As a follow-up to what was mentioned, it will also be examined whether, despite its long-term existence in the Union, it is still able to react to the new trends and movements of this modern technical age, and how Union and national authorities are approaching this issue.