

The concept of carpooling, its development and recent comprehension in judicial practice

Abstract

This thesis focuses on the concept of carpooling, its development and understanding of this concept in commonly spoken and legal language, including the current view of the Czech and European courts. A significant part of the work addresses the legal classification of carpooling.

The first part describes the development of carpooling from its inception to the present. In the recent years, carpooling was often associated with the development of modern technology which caused confusion about the exact content of the concept of carpooling.

In the second part I analyse carpooling from a linguistic viewpoint, both in terms of commonly used language and from a legal point of view. This also answers the question of whether the content of the concept “carpooling” has possibly changed over time.

The third chapter looks at the relationship between carpooling and commercial activity. I try to find out whether any form of carpooling may also have commercial features. I also aim to establish whether there is a certain limit to when an activity can still be considered as carpooling.

The fourth chapter discusses the most important case laws in the Czech and European context which deal with the solution of unfair competitive character of commercial transport of persons.

The last part presents the legal classification of carpooling in relation to the Act No. 89/2012 Coll., the Civil Code, where I examined which contract is concluded and whether the contract must be concluded, using the various forms of carpooling.

The aim of this work is to provide a complete definition of carpooling also reflecting its current developments in the area of commercial transport of persons significantly influenced by modern online technologies. The second objective is the legal classification of carpooling in the light of the Civil Code.

Key words

Carpooling, ridesharing, performance made out of generosity or good will, transportation of a person.