

Conclusion of adhesion contracts by entrepreneurs

Abstract

The aim of this work is to describe the conditions under which the protective provisions of the Civil Code on the conclusion of contracts in an adhesive manner are applied in relations where the entrepreneur acts. In this regard, attention is focused on the definition of the weaker party and the individual conditions that the entrepreneur must meet if he is to enjoy the protection of the weaker party. Subsequently, the work deals with the institute of concluding contracts in an adhesive manner, formulating its individual features and manifestations, especially in commercial practice. This work consists of an introduction, four chapters and a conclusion.

The first chapter forms the basis for the rest of this work, by defining the weaker party with an emphasis on relations between entrepreneurs. Furthermore, this form describes the form of protection of the weaker party with an analysis of private and public protection of the weaker entrepreneur.

The second chapter deals with contracts concluded in an adhesive manner and burden of proof beard by the contracting party. Subsequently, this work captures the most common forms in contractual practice such as general terms and conditions, form documents or framework contracts. A specific form of adhesion contracts is described in public procurement relations.

The third chapter analyzes the individual clauses in adhesive contracts. Descriptive, incomprehensible and illegible clauses are described, as well as particularly disadvantageous clauses and clauses contrary to fair business trades and business practices.

The last chapter discusses the binding nature of the legislation towards entrepreneurs and non-entrepreneurs, while this section points out the difficulties in application practice, the lack of systematic nature of the legislator and the risk of inconsistency of interpretation by the courts. The conclusion contains individual summaries of the previous chapters and provides a brief consideration *de lege ferenda*.

Key words: contracts of adhesion, protection of a weaker party, entrepreneur