

## **1. Brief English Résumé**

This dissertation thesis deals with civil liability of the athletes for injuries caused by them during course of sporting. As such a topic does not find too much coverage within the Czech legal science (and practice as well) the thesis aims at bringing a light of knowledge to this dark scientific area. For the area of possible mutual interaction of sport and law is immense, the thesis chose to cover only those topics and areas that are crucial for shedding a light upon and better understanding of the athletes' civil liability for damage (injuries).

The thesis therefore, after basically examining the relation of law and sport in general, defines the notions that are of basic nature for further exploration of the athletes' civil liability, such as notion of sport, the examination of the athlete's legal nature (entrepreneur, employee etc.) is subsequently made, the assessment of the sport rules (focusing on their kinds, way of their enacting, their meaning for meeting the standard of care) follows. The thoughts on the relation of legal rules and sport rules are presented, the scope of legitimate penetration of law into sport is argued.

The premises of civil liability for damages are analyzed and compared with specifics and peculiarities of sport, the in-depth study of mentioned is made. The Czech legal rules are, using methods of analysis and comparison, examined with goal to compare their content with the needs of civil liability on the field of sport. The historical excursus, including ancient Roman lawyers opinions as contained in Digesta, is provided so that the ideas and theories that are applicable in present law and that remain of some influence and validity for the discussed topic can be presented.

The summary of Czech legal theory and practice related to the athletes' civil liability is given, containing the specific examples of the Czech courts decisions and criticizing their simplifying and non-complex approach to the athletes' civil liability for injuries as the Czech courts puts an equal sing between the breach of sport rules and breach of the standard of care as set out in the Czech Civil Code and as they ignore the existence of unwritten sport rules (sport culture) and its possible significance for the matters of civil liability.

The theory on dualism of the athlete's unilateral (contractual) disposal with the values protected by the law (e.g. life, health, property) is presented, as well as theory on establishing the contractual relation between (and among) the athletes during the course of sport action.

The examples of the foreign (mainly British, French, Austrian and German) legal theories and judgements are shown and their outcomes (that are, in comparison to the Czech courts judgements, undoubtedly far more complex and in-depth) are used as a background for critical analysis of the Czech law system. On the grounds of the critical analysis of the Czech law system the possible *de lege ferenda* solutions are indicated, new legal points of view on the athletes' civil liability within the present law system are presented, e.g. through innovative interpretation and application of existing legal rules (*de lege lata* approach).

The thesis bottom line contains following basic outcomes and conclusions:

- (i) there is almost full applicability of the legal rules on sport, including the specific area that is covered by this thesis, i.e. the athletes' civil liability for injuries;

- (ii) there is a possible diversity of athlete's legal nature during his participation in sport (civil law person – non-entrepreneur, entrepreneur, employee);
- (iii) there are a contract-based relations between and among athletes established during the course of sport action;
- (iv) there is an ambivalent relation between sport rules and legal rules, it is crucial to examine the coherency of sport rules with legal rules and to contemplate if the sport rules are *eo ipso* sufficient for meeting the standard of care as set forth by the legal rules;
- (v) there is a dualism of unilateral (contractual) disposal with the values protected by the law (e.g. life, health, property), while regarding the sport rules breaches that are essential and usual for a specific sport branch, the consent of the athlete (assumption of risks) as a manifestation of his/her free will covers solely petty and reparable damage to his/her health, regarding the participating in the sport practiced in compliance with sport rules, the scope of such content is undoubtedly much wider, together with the extent of the assumed and accepted risk, as it covers severe and irreparable damage to his/her health (including death);
- (vi) general premises of civil liability for damages (as they are commonly accepted in the legal theory and practice) are fully applicable on sport provided that the specifics and peculiarities of sport are taken into account.

The author proposes the ways of further development of the Czech legal thinking on the athletes' civil liability for injuries, suggests the particular possible lacks of the Czech law system (e.g. not providing the participants in professional team sports, that can be despite the mainstream opinion of practice considered as being employees, the adequate legal background due to lacks in Czech Labor Code and related acts) as well as offers an opinion that the most

of the questions arising from the athletes' civil liability for injuries can be solved by using the adequate and sport-specific-knowledge-based interpretation of the present general law rules.

Though maybe asking more questions than giving answers this thesis could suggest a way of thinking, provide the followers interested in the area of the athletes' civil liability for injuries with some helpful background. Should such background be rejected, modified or accepted, hopefully it will encourage those interested in the athletes' civil liability for injuries to engage themselves in this appealing topic.