

# **Easement of areas designated for overflowing of floods – Abstract**

The aim of this thesis is to elaborate and subsequently provide an analysis of the current legal regulation of the easement of areas designated for overflowing of floods in Czech civil law. With regard to the historical development of easements as a superior concept of the easement of areas designated for overflowing of floods, as well as with regard to the regulation of a similar institute, which is the area designated for controlled flood overflowing under the Water Act. This thesis focuses on approaching the relatively young institute of the easement of areas designated for overflowing of floods in Czech civil law, clarifying its basic essence and its use in practice. The first chapter briefly outlines the basic characteristics of easements and their subdivision. The second chapter of the thesis briefly outlines the basic characteristics of the easement of areas designated for overflowing of floods. In the third chapter, this thesis focuses on the historical development of easements from Roman law until the Civil Code of 1964, focusing on the general historical development of easements in the absence of specific regulation of the easement of areas designated for overflowing of floods in this historical development. The greatest emphasis in this thesis is placed on chapter four, which deals with the classification of the easement of areas designated for overflowing of floods in the Civil Code among rights in rem and other land easements. Attention is paid to the theoretical description of the easement of areas designated for overflowing of floods, its acquisition and creation, as well as its termination. Last but not least, it deals with the method of valuation of such easements. An important part of this work is also the fifth and sixth chapters, which are devoted to the regulation of the similar institute of areas designated for flood control under the Water Act. Subsequently, this thesis takes into account the public law regulation under the Water Act and its relation to the private law regulation under the Civil Code.

Furthermore, this thesis examines the practical prevalence of the easement of areas designated for overflowing of floods in the territory of the Czech Republic, in terms of whether and how such an analysis can be carried out and the subsequent evaluation of the information found. The thesis concludes with a comparison with the legislation in Austria, with regard to both private and public law concepts of Austrian legislation.

**Key words:**

easement of areas designated for overflowing of floods, areas designated for flood control, civil law