

# **Easements – A comparison of Czech and Austrian legislation**

## **Abstract**

The diploma thesis deals with the institute of easements and a comparison of selected problems of the law of easements in the Czech and Austrian law. The diploma thesis has two main objectives. The first objective is to provide a basic overview of the legal regulation of selected problems of the law of easements in the Czech and Austrian law. The second objective is then to evaluate, based on this overview, which legal regulation solves these problems better. The subject of comparison in Czech and Austrian law are those selected problems which cause considerable difficulties in practice. These are, firstly, the issue of the creation of an easement by way of usucaption, with a focus on the comparison of the concept of good faith in the case of ordinary and extraordinary usucaption, and secondly, the determination of the scope of subjective rights arising from easements.

The thesis is divided into an introduction, 5 main chapters, which are further divided into subchapters, and a conclusion. The first chapter deals with the definition of the concept of easement itself. The second chapter deals with the historical development of private law in the territory of the present-day Czech Republic and Austria from the second half of the 18th century to the present day. The third chapter deals with the Czech legal regulation of easements, namely the basic methods of their creation, with a focus on usucaption, as well as the issue of the scope of easement rights in the absence of an express provision of these characteristics. The fourth chapter deals with the Austrian legislation to the same extent as the Czech legislation in chapter three. The core chapter of the thesis is then chapter five, where a comparison of selected aspects of the law of easements in Czech and Austrian law is made using the information from the previous chapters. A comparison of the issue of creation of easements by way of usucaption is made here, focusing on the regulation of usucaption and comparison of the concept of good faith in ordinary and extraordinary usucaption. The second area to be compared is the scope of the subjective rights arising from easement.

**Key words: easements, Czech law, Austrian law**