

9. The liability for damage caused by defect of a product

In my diploma thesis, I am concerned with one of the tools of policy to protect consumers that I consider as a very important and useful in the times of open market and free movement of goods. The tool discussed is the liability for damage caused by defect of a product, which entered in force on the 1st of June 1998 by the particular law n_o 59/1998 Coll., as amended by Act n_o 209/2000 Coll. The principal point of this civil proceedings is to enlarge heavily the present consumer protection formed mainly by the statutory regulation that is stated in the law n_o 634/1992 Coll., law on consumer protection, then in the law n_o 22/1997 Coll., law on technical requirements of products and others.

I have been trying to conceive the law about the liability for damage caused by the defect of product from all basic viewpoints. It means that I am interested mainly in circumstances that the special regulation was adopted; what caused its mooring in the Czech legislation; consequences for consumers and also for producers. Furthermore, there is a survey of its correspondence with European regulation from which the Czech legislative regulation of liability for damage caused by defect of a product results from. In addition, there is also a brief survey of its probable development, with respect to the efforts of codification of the civil law. As a matter of fact, the detailed study of each statement and the effort to present the practice of the courts that allows the explication of some controversy conceptions, are stated in this paper (it is necessary to take into account that it is difficult to talk about an extend practice of the courts in the Czech republic, so I used the interpretation of the European Court of Justice. I have also marginally mentioned the general

regulation of liability for damage and liability for defects that are both stated in Civil code, particularly from the point of view of their relation to the statute of liability for damage caused by defect of good and evaluation of advantages that the new regulation has served to consumers.

Seznam klíčových slov:

Odpovědnost

Liability

Škoda

Damage

Vada

Defect