

Summary:

Contractual penalty and default interest under the Czech Commercial code

The purpose of my thesis is to analyze contractual penalty and default interest pursuant to the Commercial Code of Czech Republic.

The paper gives a detailed description of the current legislation as well as a draft of the present Commercial Code of Czech Republic on the concerned subject matter. Moreover, it outlines the foreign legislation and a historical evolution of contractual penalty and default interest. The thesis presents in a concise form the relevant Czech case law, in particular the decisions issued by the Supreme Court.

The thesis is composed of eight main chapters, each of them dealing with different aspects of contractual penalty and default interest.

Chapter One is introductory and defines basic terminology, which is used in the thesis. Furthermore, it analyzes the purpose of contractual penalty and default interest, legislation in force, the historical evolution of legislation and the foreign legislation involved.

Chapter Two examines an agreement on contractual penalty and default interest, its alternation and a simultaneous agreement on contractual penalty and default interest.

Chapter Three focuses on a duty to be secured.

Chapter Four endeavours to survey in detail the subject matter of contractual penalty and default interest.

Chapter Five explores an occurrence of the right and the maturity and the simultaneous right to contractual penalty and default interest.

Chapter Six looks at termination of a right and a claim.

Chapter Seven concentrates on the problem of recovery of a claim.

Chapter Eight aims on a relation of contractual penalty and default interest to damages and particular means of security.

The main aim of the thesis is to describe differences between contractual penalty and default interest, the distinctive features of analyzed remedies and their relation to liquidated damages and the other remedies.