

generální prevenční povinnost byla porušena, na většinu situací nalezneme odpověď týkající se nastalé odpovědnosti nebo povinnosti k náhradě škody.

Srovnáním české a rakouské právní úpravy předmětných institutů bylo zjištěno, že příslušná právní ustanovení jsou ve zkoumaných právních úpravách velmi podobná a pokud se jejich úprava liší v jednotlivých ustanoveních, tak výsledek bývá hodně podobný, tedy že ke stejnému cíli vedou dvě různé právní cesty.

10 Resumé

The work deals with the question of liability and compensation for damage in sport, especially in skiing. The aim of the work is to introduce comprehensive summary of rights and duties of skier or snowboarder on and outside the ski slope and throw light on the matter of liability and compensation for damage in the field of sport.

The work is divided into eight parts. Single parts deal with the following question: liability and compensation for damage in Czech law; relationship of sport and law, historical background of law in the field of sport; liability and compensation for damage in Austrian law and introduction of practical examples; comparison of the legal institute of liability and compensation for damage in Czech and Austrian law and contemporary questions related to liability and compensation for damage in the field of sport, especially in skiing. The articulation of the work is designed so that the understanding of essentials of each part of the work enables to draw conclusions substantial for this work and respond to the questions related to recourse of liability and compensation for damage in sport. The comparison with corresponding Austrian law seems to be desirable especially at the time of development of European Union when non-confrontation of examined institutes with different legal regulation would be unsatisfactory.

Examination of the matter in question leads to the conclusion that in both, Czech and Austrian law, provisions of law which would be created directly for the field of sport, do not exist. While dealing with sport related legal situations the general institutes of liability and compensation for damage shall be used. **The most important provision of the Czech law that should be applied in cases of damage arisen in sport is the general principle included in section 415 of the Civil Code, providing that “Everybody is obliged to behave in such a way that no damage (injury) to health, property, nature and the environment occurs.”** To avoid the breach of above mentioned provision and to eliminate the liability and compensation for damage in sport, the damage shall be prevented. Prevention of damage in the field of sport means not only to obey the general duty of prevention but also the rules set by FIS and instructions of authorised persons.

Important for this work is also the practice of the courts. Because of lack of special literature the conclusions of this work often result from the relevant judicial decisions dealing with the question of liability and compensation in sport.

The work helps to understand the question of liability and compensation for damage arisen in sport, namely in skiing and introduces relevant judicial decisions with practical examples and recommendations with the view of increasing legal consciousness in the field of sport.

11 Seznam použité literatury

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