

Judicial protection is considered as the basic civilian right guaranteed by many of international conventions and constitutions of particular states, which is necessary in cases of endangering or breach of law. Although it is the basic safeguard, some of the infringed relationships need another technique of their solving (especially family, labour or neighbourly relationships). Among these ranks the consumer relationship – relations between consumers and traders. This relationship has a specific character – it is imbalanced. The consumer is economically weaker and less experienced in legal matters than the other party to the contract – the trader. Many consumers refrain from taking action in case of infringement of their right because of certain problems associated with court procedures in consumer disputes, such as high fees, long delays and cumbersome procedures; outgoings exceed the value of claim.

In order to enhance the effectiveness of the enforcement of consumer rights and increase access to justice, there were set up special out-of-court procedures. These use various alternative dispute methods which are denoted as structured methods of resolving disputes other than formal court based adjudication, such as mediation, arbitration and conciliation which facilitate consumer access to justice. (Hereinafter referred to as the „ADR“- alternative dispute resolutions).

The aim of the thesis is to give a survey of the possibilities of enforcing the consumer rights, in out-of-court procedures - outside the judicial trial.

Chapter I defines the basic terms which are used in this survey. Chapter II deals with development of protecting consumers in the European Union, particularly with procedural ensurance of the enforcement of consumer rights. Chapter III analyses the methods used generally in out-of-court procedures and highlights some principles that are common for these as opposed to the judicial trial. Subsequently chapter IV gives an outline of existing systems used for solving of consumer disputes in abroad (in Sweden, Slovakia, Poland and Austria), and afterward in chapter V existing systems in the Czech Republic. Chapter VI takes particular attention to the new system especially set up for solving consumer disputes. The conclusion gives an attempt of an outline of possible further developments.