

Charles University in Prague
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Private law aspects of consumer protection

Diploma Thesis
Abstract

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Private law aspects of consumer protection

The aim of this thesis is to analyze the issue of consumer protection in private law. The author focused mainly on the latest changes in the applicable legislation dealing with the consumer protection. The thesis also contains critical evaluation of current legislation and a comparison with the draft of the new Civil Code. The thesis should contribute to the discussion of the ongoing recodification of private law.

The thesis is divided into ten chapters.

The first chapter deals with the definition of the term consumer protection and consumer protection law. It also includes a brief excursion on the topic of consumer protection in public law.

The second chapter consists of a list of acts that regulate consumer protection. First, it brings a list of national sources of consumer protection in the Czech legislation. It also contains an overview of the legislation protecting consumers in Community law, both in the primary, and the secondary legislation.

The third chapter discusses the key terms of consumer protection - consumer and supplier. There is provided a detailed definition of these terms in the Czech and European legislation. The chapter contains a historical development of definitions of consumer and supplier in national legislation.

The content of the fourth chapter is a general description of consumer contracts. Attention is drawn here to the clauses which are forbidden to negotiate with consumers.

The fifth chapter deals with various types of consumer contracts. Examined are here contracts concluded remotely, contracts concluded outside a retail outlet and timesharing contracts.

In the sixth chapter is a detailed analysis of consumer protection provisions in the types of contracts which are most often concluded by consumers. This chapter discusses the purchase contract (with a focus on special provisions for the sale of goods in a shop), the performance contract and the loan agreement.

The seventh chapter describes the specific rights and obligations that arise from consumer legal relationship. In particular, the rights and obligations regulated by the Consumer Protection

Act are described. It includes analysis of the obligations of honesty selling products and provision of services, prohibition of unfair business practices and a description of the procedure for receiving and handling claims concerning a defect in a product sold or service provided.

The eighth chapter is about the Act on Liability for Defective Products.

In the ninth chapter, the author focused on current issues of development of consumer protection in Community law. This chapter mainly contains a description of the conceptual changes that should bring the forthcoming Directive on Consumer Rights which has to replace several existing EC directives.

The tenth chapter deals with the new Civil Code. It includes a list of consumer protection provisions in the draft of Civil Code and its comparison with the existing legislation.