

ABSTRACT OF DIPLOMA THESIS

THE THEORETICAL CONCEPTION OF PRE-CONTRACTUAL AND CONTRACTUAL LIABILITY

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The purpose of my thesis was to analyse theoretical aspects of precontractual and contractual liability under Czech law. I particularly focused on precontractual liability (also known as *culpa in contrahendo*) due to its unclear and unresolved theoretical conception among Czech jurisprudence. The thesis consists of eleven chapters including one annex. After short introduction, I briefly analysed the meaning of a general term *legal responsibility/liability* in the second chapter, and a historical background including the original Jhering's conception of *culpa in contrahendo* in the third part of the thesis.

The fourth chapter is devoted to defining the scope of precontractual liability and specific precontractual duties and/or obligations during a contract negotiation under both current and revised civil law. I comprehensively analysed underlying principles of a concept of precontractual liability, its general nature and a nature of precontractual relationship in the fifth part of the thesis. I also tried to provide theoretical description and definition of the conception of *culpa in contrahendo* under Czech law. In the sixth chapter I dealt with practical aspects of precontractual liability during various stages of a process of contract negotiation and contract formation respectively. I also tried to analyse liability implications of so-called agreements to agree, letters of intent, etc.

In the seventh part I focused on a theoretical conception of contractual liability. I especially dealt with underlying principles of contractual liability and its general nature. The eighth chapter is devoted to critically analyse case law on a controversial issue of liability towards third parties arising out of the contractual relationship. The ninth chapter provides summary of my research. The list of references, including among other Czech and foreign literature and case law, is in the tenth section of the thesis. The annex, i.e. the eleventh chapter, provides text of selected provisions of the cited Principles of European Contract Law, the Acquis Principles and the Draft Common Frame of Reference.