

## **Abstract**

### Liability for defects in business contracts

The topic of my diploma thesis is liability for defects in business contracts, i.e. agreements that are even today being closed under the Czech Commercial Code, as amended. The liability for defects arising from the contract of purchase (or other types of contracts if needed) is a significant part of liability relationships, which may come into existence from obligations. Considering the upcoming recodification of private law, the focus of the thesis is the comparison of current and future legislation of the matter (Act No. 513/ 1991 Coll., the Commercial Code and Act.no 89/2012 Coll., the Civil Code being the current and future major regulations). The aim of the thesis is to identify the major modifications that are about to come into practise and at the same time to evaluate how these changes are going to influence the position of either party to a contract.

I decided to systematize the comparison according to different aspects of the topic and I used the same system structuring the chapters. After the introduction and a brief historical summary I first presented the general characteristics of the liability for defects. In following chapters, these particular aspects have been examined: the definition of wrongful performance, the kinds of defects, the extent of liability and the possibilities of liberation, the obligations of examination and notification of defects, remedies available to the buyer as well as the question of contractual guarantee. Chapter Seven, which analyses remedies available to the buyer, has been divided into two subchapters, each of them focusing on one of the Codes. Chapter Eight has been dedicated to a few comments on statute of limitations concerning the liability for defects, where changes are being implemented as well. Within individual chapters I tried to focus on presenting thoroughly the regulation and defining the changes that the new legislation brings, those being of a systematic, terminological as well as factual character. The most important changes, in my point of view, that the new civil code is presenting, are summarized in the conclusion.