Abstract

The thesis is based on the previous work of the author written as a thesis to terminate undergraduate studies in law. In the beginning, it covers two main sources of the EU law regarding the lex causae of contracts with an international element in the area of civil and commercial obligations, i. e. The Rome convention and the Rome I Regulation. In order to better capture the evolution in determination of the lex causae in commercial and civil contracts with an international element, the author introduces first the former and consequently in a comparative way, also the latter. Since this part of the thesis is presented in more general way, it follows that the author deals with the particular issue of consumer protection in the second part.

The second part of the thesis covers the issue of consumer contracts as regards the Rome convention and the Rome I Regulation. While generally, contracts are characterized by their nature of performance, in the case of consumer contracts, it is the nature of contractual parties which is decisive. Regarding the consumer contracts, the author analyses the basic terminology of therein in the Czech and the EU context and also indicates possible linguistic problems. Furthermore, the author focuses more in detail on the Consumer Rights Directive which revises by the means of full harmonization the following previously adopted directives: Directive 85/577/EEC to protect the consumer in respect of contracts negotiated away from business premises, Directive 93/13/EEC on Unfair Terms in Consumer Contracts, Directive 97/7/EC on the Protection of Consumers in respect of Distance Contracts and Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees. At last, the thesis outlines the newest evolution in the Czech legislation concerning the determination of lex causae: the adoption of new Act on international private law which takes part of the re-codification process of the Czech private law. In addition, relevant case law is presented for each part of the thesis.