

Extraordinary compensation in personal injury cases

The purpose of this thesis is providing the information about the compensation for damage to health in the Czech Republic with an emphasis on the development of case law. The introductory chapters are provided general assumptions of liability and introduced the issue of liability for damage caused by the nature of the used thing and liability for damage caused by operating activities with an emphasis on medical disputes. Also, a brief definition of *lege artis* procedure as a basic prerequisite for the performance of medical care. Definition of the conditions and extent of compensation for damage to health by the Ministry of Health No. 440/2001 Coll., including a comparison with the previous Decree No. 32/1965 Coll.

The main basis of the thesis consists of a table of case law in terms of compensation for damage to health and the amount of granted compensation. Table of case law serves not only as a basis for drawing conclusions from the cases, but also to serve as a practical tool for practice to quick orientation in the personal injury cases, simply by searching for a similar injury and assessment of compensation according to the table of case law.

In terms of compensation for damage to health, thesis also deals with the issue of personality rights, especially with the issue of the compensation for relatives in wrongful death cases. Thesis provides the potential problem of *non bis in idem* principle in action due to protection of personality rights and compensation for damage to health by identical factual storyline.

This thesis focuses on the European principles of compensation for damage to health, and according to the principles of European Tort Law and compensation for health in England and Belgium. Author of the thesis establishes *de lege ferenda* reflections for the possible introduction of punitive damages to the Czech legislation and the impact on the quality of health care.

In the last chapter of the thesis, the emphasis is on the new Civil Code and the concept of the scope and method of compensation for damage to health. It also defines the consideration of the impact on decision-making practice of the courts under the New Civil Code, and summarizes the recent developments, including the possibility of French inspiration conception compensation in disputes relating to compensation for damage to health by 2014. Finally, the author of the thesis summarizes his views on the topic of extraordinary compensation in personal injury cases.