

Summary

People encounter civil relationships in everyday life, thus the civil law follows a human being from his/her birth to death. Obligation relationships can arise not only at the basis of law actions, predominantly contracts, but also from illegal actions and by law qualified events, which lead to an origin of damages or a defect in an object of fulfilment. Both, liability for damage and liability for defects represent significant part of civil law and belong among the most discussed problems in law theory.

The aim of this thesis is to focus on mutual relationship between liability for damage and liability for defects according to the Act No. 40/1964 LC., civil legal code, and to present important terms with a consideration of a rich judicature in this area. Some of the differences between liability for damage and liability for defects according to the Act No. 513/1991 LC. are explained briefly; since the commercial law modification would deserve a separate thesis.

This thesis consists of six chapters which are further separated into individual subchapters. The first chapter is dedicated to the liability in general and its law-theoretical explanation and specification of the term civil liability. The second chapter called "Prevention of damages in civil relationships" tells about prevention of origin of damages together with distinguishing and explanation of terms of general and special prevention of damages. The third chapter is dedicated to the complex presentation of valid law adjustment of liability for damage described in civil code, mainly definition of the term of liability for damage, functions, which this institute fulfils in law system, subjects and supposition of origin of damages. The fourth chapter deals with the special Act No. 59/1998 LC. about liability for damages caused by a defect on a product, which constitute objective responsibility of a producer for damages caused by a defect on a product regardless if there is an existence of direct obligatory relationship between an aggrieved person, or rather any aggrieved third person, and the producer. The fifth chapter analysis liability for defects, its function, gives a detail presentation of the possibilities of its origin and also application of law from liability for defects. The key chapter of this thesis is the last sixth chapter with its title "Mutual relationship between liability for defects and liability for damage". The aim of this chapter is to interpret the mutual relationship of these institutes, to compare their modifications and to point out

their differences. This chapter seeks to reflect all the changes achieved in the new Civil Code interrelated with liability for damage and liability for defects.