

## **Abstract**

The topic of this thesis is liability for defects in business transactions, or using the terminology of the effective Civil Code, obligations from non-performance. Rights from non-performance are one of the most important legal instruments regarding liability, together with liability for damage and liability for delay, all arising from pecuniary contracts, mainly from purchase contracts and contracts for work.

With respect to the elapsed recodification of civil law, obligations arising from non-performance are no longer subject to two codes (in Act No. 40/1964 Coll., Civil Code and in Act No. 513/1991 Coll., Commercial Code), they are now governed only by Act No. 89/2012 Coll., the effective Civil Code.

Civil code and its provisions are therefore the main part of this thesis. Moreover, some parts of the thesis contain comparison of the effective Civil Code to the preceding legislation, i.e. the Commercial Code, and to some international treaties as well.

The first chapter, which follows right after the preface, contains sources of this thesis. The second chapter deals with the concept of obligations arising from non-performance, compares them to other areas of civil law dealing with liability, and later deals with the concept of commercial obligation. The third chapter talks about the provisions dealing with non-performance. The fourth chapter is focused on categorization of defects and it analyzes possible outcomes flowing from particular categorizations. The fifth chapter deals with the enforcement of rights arising from non-performance. Least but not last, the sixth chapter deals with particular rights arising from non-performance.

Each chapter emphasizes on analysis of particular provision. Where their meaning is unclear, I attempt to interpret them using all possible sources, mainly doctrinal publications and judicial decisions usable for the effective Civil Code. Conclusions are drawn after each chapter, while the main conclusion at the end of the thesis sums everything up.