

## **Abstract**

This advanced master's thesis deals with the comparison of modification of the institute of easements, whose content is "passive behaviour" (to tolerate or to abstain) of a property owner - a servitude - in Act No. 40/1964 the Civil Code as amended to 31 December 2013 (CC) and in Act No. 89/2012 the New the Civil Code as amended (NCC). The aim of the thesis is to evaluate whether the acceptance of the NCC has caused serious alternations in the institute and, in addition, to evaluate these modifications.

The chapters describe the acquisition of the servitude, consequent legal matters, their pricing, expiration and recording in the public register (the land register) as well as detailed modifications of some types of the servitudes and their terminations. The introductory part of each chapter contains brief historical outline which depicts the development and connections of the servitudes. For instance, the NCC has been inspired by some historical regulations such as The Allgemeines bürgerliches Gesetzbuch, the Civil Code of Austria, as amended to 1 January 1904. The main part of the thesis compares the modifications effective under the CC and the NCC with respect to the relevant judicial systems. In the summary of each thematic part, the most remarkable changes as well as positive and negative aspects of these new modifications in the NCC are elaborated.