

## Abstract

This thesis' main focus lies in the analysis of the new statutory provisions pertaining to the civil liability for damage and identifying the differences between the old Civil Code (Act No. 40/964 Coll.) and the newly enacted Civil Code (Act No. 89/2012 Coll.), which brought about major changes with respect to the traditional regulation of liability for damage, which dated back to the enactment of Austrian ABGB in 1811.

In this thesis I will try to analyse these changes and critically assess their impact and improvements over the old regulation and bring forward the controversial points and drawbacks of the new Civil Code. In the first and mostly theoretical part of the thesis I will focus mainly on the analysis of the new concept of civil liability which differs from the major view of the civil theory. I will also focus on the change of terminology resulting from these conceptual changes. The second part of this thesis will be less abstract and focus more on the new differentiation between the contractual liability for damage, i. e. liability arising out of the breach of a contract, and the delictual liability for damage, which arises out of the acts violating the statutory provisions (the written law).

This thesis consists of three main sections, which are further divided into subsections. The first section deals with the theoretical aspects and definitions of civil liability and the two main theoretical concepts of liability. I will analyse the statement found in the explanatory memorandum to the Civil Code, according to which the Civil Code moves toward the concept, which is not shared by majority of the civil doctrine. Furthermore, the first section of the thesis also analyses the concept of civil delict proposed by the Civil Code.

The second section focuses on the delictual liability for damage which includes the liability for damage caused by a violation of good manners (*contra bonos mores*) and liability for damage caused by a violation of law, which undergone the most changes compared to the previous regulation. I will also criticize the fact that the legislator drew inspiration from German BGB but failed to adhere to the original which will inevitably cause problems with interpretation and application of the new provisions.

Finally the last section analyzes the contractual liability for damage and its relation to the delictual liability. This section also points out the differences between the two types of liability.