

Abstract

Title: Notion of Consumer in European and Czech Law

The main aim of the thesis is to analyze the notion of consumer, to describe its historical evolution and provide solutions *de lege ferenda*. The notion of consumer, which is crucial for the extent of consumer protection, results from the concept of weaker contracting party. Therefore this thesis firstly deals with its definition, main principles, general enactment in the Civil Code and particular examples of protection of weaker parties.

The thesis mainly focuses on legal regulation of the notion of consumer in European law which is exclusively regulated by secondary legislation of the EU. The majority of private law directives is based on the principle of minimum harmonisation and, in accordance with the case law of the Court of Justice of the EU, it characterises the consumer as a natural person acting with the entrepreneur out of their professional activity. It is assumed that consumer protection might become more integrated within the internal market of the EU, as well as based on full harmonisation principle or adoption of a general "European Consumer Protection Act".

In the Czech Republic, the notion of consumer has been enacted since 1993 and the definition was restricted through a few amendments solely to natural persons. The recodification of Czech civil law in 2012 took over the narrow notion of consumer.

The thesis deals marginally with the procedural aspect of the specific position of consumers with regards to the alternative dispute resolution. The thesis concludes with a comparative chapter in which the notion of consumer is confronted with the legislation and case law of other Member States of the European Union.

Taking into account the historic development of the notion of consumer in both European and Czech law, the author proposes to extend the notion to some selected legal persons. The reason for such extension is a factual inequality between some legal persons and qualified entrepreneurs. The author recommends to extend the protection to non-profit making organizations, associations or charitable organisations. In case of small and medium-sized entrepreneurs, it is recommended to keep the status quo with the possibility of applying the weaker contracting party protection.