

Abstract

The theme of my thesis is "The concept of an average consumer in the Czech and European law."

The concept of a consumer and its evolution is explained in the first chapter. In the Czech legislation, I focused on the consumer in terms of private and public law. The notion of the consumer is explained from the perspective of the Czech law, the French legislation and, ultimately, the European legislation. Furthermore the French Consumer Code is discussed and its advantages and disadvantages in a light of the German model of consumer law, which is included in the Czech legislation. Finally, I have studied the impact of the European case law on the development of the concept of the consumer and possible proposals for consumer law *de lege ferenda*.

In the second part, the attention is paid to the average consumer. The work deals with its origins in the Czech, German and European case law. Thesis describes a development from an empirical approach, when sociological surveys were used in assessing the impact of business practices, to the normative concept of an average consumer, which is applied consistently with regard to the decision-making practice of the Court of Justice of the EU.

The average consumer is a legal construct, an exemplary consumer, from which is expected a certain degree of attention, vigilance and awareness. These claims, however, changes with respect to the target group of the average consumer, that in its decision the court sets. The importance of identifying the relevant group is described in one of the chapters focusing on controversial cases.

Thesis also mentions, in the light of European legislation, a group of particularly vulnerable consumers. Particular attention is paid to children because of their important position, especially in an advertising. Furthermore, I also looked at the special vulnerability because of credulity, which is problematic and not yet fully decided aspect by courts.

Of all the areas where we can meet the average consumer, I chose the area of trade mark law and the internet.