

## **ABSTRACT**

This diploma thesis focuses on the topic of "Sale of consumer goods - rights arising from a defective performance". This topic is coherently and comprehensibly explained, with an emphasis on a comparison between the former legal regulation governing exercising of rights arising from a defective performance under the sale of consumer goods (under Act No. 40/1964 Coll., Civil Code) and current legal regulation governing this area (under Act No. 89/2012 Coll., Civil Code), especially with regard to changes in the position of a buyer.

Formally, the thesis is divided into six chapters, which are further split into individual subchapters.

The first chapter introduces the legislation containing provisions concerning rights arising from a defective performance under the sale of consumer goods.

The second chapter deals with the term "sale of consumer goods", with the scope of application of this special area and its purpose.

The third chapter describes the procedure of the proper exercise of a right arising from a defective performance, mainly reasons for which this juridical act can be made, what form, content or other elements it must have, who is actually entitled to this act and against whom. This chapter also presents a deadline for exercising of this right, along with arguments for and against preservation of a legal guarantee in the current legal regulation.

The fourth chapter deals with claims of a buyer emerging from rights arising from a defective performance and conditions under which these individual claims belong to him.

The fifth chapter is devoted to the problems of a buyer with a properly exercised right arising from a defective performance and their solutions.

In the sixth chapter there is a brief introduction of a contractual guarantee as a voluntary commitment of a seller beyond the legal basis.

The conclusion is devoted to the summary of the topic of "Sale of consumer goods - rights arising from a defective performance ". The meeting of objectives set out in the introduction is stated there, along with some of the most important changes in the current legal regulation governing this area in comparison with the former.