

Abstract

The main goal of this thesis is to identify and analyze problematic aspects of rights arising from defective performance in B2B sale. The analysis is set into a complex description of rights arising from defective performance. The work reflects relevant decisions of courts, national, European and international legal regulations and other texts.

The thesis is divided into nine chapters including introduction and ending. The chapters are divided systematically in order to complexly introduce rights arising from defective performance to a reader, while problematic aspects of mentioned legal institute are continuously presented to a reader. In such cases those aspects are always analyzed, relevant propositions of a professional public are discussed, the author critically examines them and presents his own propositions and possible interpretation points of departure.

After the introductory chapter the author defines criteria, which are deciding for a legal regime of B2B sale. At the beginning of the third chapter the author explains reasons, why he is using term obligations and rights arising from defective performance instead of a traditional term liability for defects. Then this chapter analyzes sole defective performance, a dispositive nature of obligations arising from defective performance, a quality guarantee and a possibilities of a limitation of rights arising from defective performance. The author puts emphasis on various correctives, which limit a freedom of contract regarding to rights arising from defective performance. The fourth chapter aims on defects and a potentially suitable principle *de minimis*. In this chapter the author analyzes defects related to containing and packaging, which current Civil code does not consider to be defects. The author analyzes a sense of notification obligation related to legal defects as well. It is followed by the fifth chapter aiming on an origin of rights arising from defective performance and possible reasons, which may liberate a seller from obligations arising from defective performance. The next chapter is aimed on a complaint process, including relevant decisions of courts. The seventh chapter contains detailed analysis of each right arising from defective performance, including relevant decisions of courts. It is followed by the eighth chapter, which aims on problematic aspects of rights arising from defective performance related to immovable things and a business enterprise. The last chapter then contains the conclusion.