

## **Summary**

This diploma thesis deals with selected aspects of product liability. The main aim of this thesis is to conduct critical analysis of aspects related to the concept of product and its defects. The thesis analyses the legal rules contained in Sec. 2939 – 2942 of Act No. 89/2012 Coll., as amended, in the light of the Council Directive 85/374/EEC of 25 July 1985 on the approximation of laws, regulations and administrative provisions of the member states regarding liability for defective product, which is transposed into Czech law by these provisions. Although product liability has been part of the Czech legal order for more than twenty years, it still contains many unclear or controversial issues which are addressed in this diploma thesis. The thesis takes into account analogous legislation in Austria and Germany.

The first part of the thesis describes product liability in a general way allowing to understand its purpose and systematics. The second part is devoted to the analysis of the purpose of Directive 85/374 and defines the consequences stemming from its EU origin, which must be taken into account in the interpretation of domestic legislation. The third part contains an analysis of the notion of product and offers a solution to the disputed issue concerning the subordination of intangible items to this notion. The content of the fourth part consists in clarifying the content of the concept of putting the product into circulation; particular emphasis is placed on a thorough analysis of the relevant rulings of the Court of Justice. The fifth and central part of the thesis deals with the analysis of the product defect concept and the key concept of safety expectations of its users. The sixth part of the thesis provides a comparative view with regard to the different notion of product defect in the United States of America.