

# **The Concept and Development of Strict Liability in Czech Tort Law and its Inspirational Sources**

## **Abstract**

The thesis deals with an analysis of strict liability in Czech tort law taking into account the inspirational sources of its regulation, including in particular German and Austrian law, the Principles of European Tort Law (PETL) and the Draft of Common Frame of Reference (DCFR). Further, a historical and possible future development of strict liability is analysed as well as the risks for which strict liability is imposed.

The thesis is divided into two main parts. The subject-matter of the first General Part is especially the concept of the strict liability and the reasons for its application. Further, some related problems are analysed in this part which are relevant for the legal theory as well for the legal practice (e.g. defences, contributory negligence, possibility of the concurrence of claims).

The subsequent Special Part contains an analysis of the types of strict liability and consists of four main chapters. The first chapter deals with a short overview of the historical development of the strict liability in Czech tort law. In the second chapter particular types of liability in the effective Czech Civil Code are presented and critically evaluated. In the third chapter the author deals with some categories of strict liability in certain special legal regulations. The subject-matter of the last fourth chapter is the future of the strict liability and current development of new risks in the area of electromobility and digitalization. The author analyses in particular the application of the strict liability to the operation of electric bikes, e-scooters and autonomous vehicles.

Based on the analysis of the reasons for the application of strict liability and the inspirational sources, the author concludes – among other things – that the only persuasive reason for the application of the strict liability is an abnormal danger of an activity of the liable person and that it shall apply to cases in which a significant damage cannot be prevented even when due care is exercised. From this perspective, the effective legal regulations are critically evaluated. Further, the author concludes that the liability for the operation of means of transport, the liability for abnormally dangerous activities and the product liability are of key importance for the current and future development of the concept of strict liability.

**Keywords:** tort law, strict liability, means of transport