Abstract in English

The transport sector represents about 7% of European GDP. It should be also noted that European companies own 41% of the total world fleet capacity. As it can be seen, transport itself is an important industry and a major contributor to the functioning of not only the European economy but also the international economy. The maritime transport covers 80% of all trade exchange and has become the major transport sector in international business.

The Hague, Hague-Visby (together so called Hague-Visby rules) and Hamburg Rules have become the main reason for lack of uniformity in the field of the carriage of goods by sea with their different texts and legislative styles. These three sources of law are actually in force in different countries. As the maritime transport is mainly international, this heterogeneity causes problems in practice.

This thesis analyses the maritime carrier's liability for loss of or damage to goods under convention based regimes.

The Czech Republic has ratified the United Nations Convention on the Carriage of Goods by Sea signed on 30 March 1978 in Hamburg (called Hamburg rules). The French Republic has ratified the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading which was drafted in Brussels in 1924 (called Hague-Visby rules). France has also incorporated the Codex on Maritime Law – the Law of 1966. The Czech Republic does not have any specialized codex on Maritime Law and uses general provisions of Commercial and Civil Codes. The thesis compares Czech and French legal systems in the field of maritime law.

The thesis is structured basically into 3 parts (chapters).

The first one plans to give a short overview on maritime law history beginning by Roman law, maritime regulation in Italian cities and free cities of the Rhine and the Baltic Sea. It continues by the *Consolato del Mare* (Regulation of the Sea), which was adopted by the cities on the Mediterranean around 1300 A.D., the Laws of Oléron, which prevailed in France and England, and heads to the *Ordonnance de la Marine* till the new maritime age of Harter Act and International Law Association.

The second part is general and is dedicated to the main principles of international private law and the basis of legal liability. In order to understand the maritime law, it is very important to be aware of the basics principles and sources of the international private law.

This chapter aims to analyze three types of regulation in the international private law – national, international, and European regulations. Attention is paid mainly to regulations and instruments on European level due to the changes in the European Private Law in 2009 (entry into force of Regulation Rome I). It also includes the procedural instruments such as Brussels Convention from 1968 and its successor Regulation called Brussels I. I also pointed out the main questions as far as the European sources of law are concerned as I aim to demonstrate the possible solutions through ECJ´s jurisdiction.

Regarding the liability, the thesis explains the basics of legal liability and its forms. It includes components of liability and its conditions. It also deals with the subjective and objective liability as crucial in maritime transport law.

This chapter proposes to underline the main issues of liability in transport law in general. In this chapter I also explain to the readers the most important legal transport terminology such as bill of landing, contract of transport, means of transport, regional conferences, international transport, ship etc.

The third part deals with the carrier's liability for breach of contract of carriage of goods by sea under the convention-based regimes: the Hague Rules, The Hague-Visby Rules and the Hamburg Rules. The new Rotterdam Rules, as the new convention opened to ratification, is also included. This convention aims to uniform the different legal basis.

The thesis identifies, evaluates, and compares the carrier's liabilities under the three conventions and determines the conditions of such liabilities and exemptions. I also cover the Czech and French national requirements of such liabilities.

The third chapter also includes the procedural part. It deals with competent jurisdiction and arbitration. I especially point out the arbitration which is advantageous for both sides of contract of maritime transport (transporter and shipper) and is largely used. The thesis also compares the statute of limitations different maritime conventions.

In the final part, I propose to undertake a task in joining an ongoing debate on whether the maritime transport industry needs all the three conventions on the same subject: the legal regime relating to carriage of goods. I underline here the importance of unification of international maritime law and come to think of the future of Rotterdam rules.