

Dissertation Thesis Abstract

-

Liability for Damage Caused by A Defective Product

JUDr. Petr Štoviček

The subject-matter of the dissertation thesis is the relationship of legal liability for damage inflicted upon a consumer by a defective product. The paper describes the statutory definition of the relationship, in particular, without limitation, the preconditions to the establishment of liability of the individual entities on the part of entrepreneurs participating in all phases of the product distribution from the moment of its manufacturing, or, as the case may be, its import to the Czech Republic, to the moment of its sale to the end consumer; limits of the liability and possibilities through which the consumer may claim compensation of the caused damage. The first part of the paper focuses on the above mentioned issued of general legal regulation applicable to liability, its historical development and types; it has a rather generally descriptive nature. Special civil law regulation of liability is provided for also in a number of special Acts, in particular in Act No. 59/1998 Coll., on Liability for Damage Caused by A Product Defect. The second part of the thesis provides an outline of the legal regulation covering the sphere of consumer protection with respect to liability relationships incurring in the course of a product's path from the manufacturer to the final consumer. It can be concluded that the principal distinguishing and classification feature is the legal nature of the entity having a legal relationship under a private law liability for the product. In the third part of my thesis I have analyzed the specific legal regulation of liability for damage caused by a product defect. I have considered necessary to open the

third part with a more detailed analysis of the product definition as it is understood on the general (non-legal) level, and also from the viewpoint of many legal regulations containing the concept - concept which is crucial for the topic of my thesis. Although damage is defined, *inter alia*, as harm to property, its nature is different in relation to the individual defects. The fourth part of my paper represents an excursion to legal regulations applied abroad, primarily in the USA where the "*product liability law*" is considered as the predecessor of the European regulation applicable to liability for damage caused by a product defect; I have included a description of the historical development as well as numerous judicial decisions relating thereto which can clearly illustrate the individual types of relevant civil law liability and their application in practice. In the fifth part of my paper I have focused primarily on the legal regulation valid in the Czech Republic, specifically I provide a detailed description of Act No. 59/1998 Coll. While explaining the individual concepts of the regulation valid in the Czech Republic, at the same time I have taken into consideration the regulation included in *acquis communautaire*, in particular EEC Directive 85/374, as amended by EC Directive EC/1999/34. The sixth and final part of the paper provides a description of the new legal regulation applicable to liability for damage caused by a defective product set forth in the new Civil Code, i.e. Act No. 89/2012 Coll., and a *de lege ferenda* reflection on further possible legal regulations.