

## **RESUMÉ**

### **The concept of an average consumer in Czech and European law**

The aim of this diploma thesis called “The concept of an average consumer in Czech and European law” is to describe current trends in conceptualization this term. Methods used in this diploma thesis to achieve the defined objectives are the analysis of Czech and European legislation and both Czech and Communitarian case law. There were used monographic and comparative methods too.

The initial part of the thesis describes the terms consumer and the average consumer are affected by secondary Communitarian legislation and case law of the Court of Justice of the European Union as well as by the case law of courts of the European Union members states.

Another aim of the diploma thesis is to highlight that the model of average consumer needs to be viewed differently depending on in which area of economic competition it is currently located at. It is subjected to diverse claims in various areas. This was proved by several judicial cases.

The function of the model of average consumer is to be a substitute for all consumers. Consumers’ protection is provided through this model. As it is important to emphasize, the average consumer is just a model and does not strictly remain a legal person. The case analysis and comparisons led to the definition of basic properties of the average consumer, such as appropriate attention, awareness and care. It was also showed an overcoming of the statistic concept of average consumer. The only concept of the average consumer accepted nowadays is a normative concept.

Also the correct definition of the target group of consumers in disputes of unfair competition plays an important role as shown by elaborated judicial acts. This definition is required mainly for assessing the demands on the designate average consumer. The thesis also focuses on vulnerable consumers who suffer from mental or physical weakness, who are children or senior or who are unsuspecting.

The normative concept of average consumer resulted in problems of evidence in judicial proceedings. The last section of the thesis presents a brief overcome of this fact.