

Abstract

Selected Issues of Consumer Contracts

Consumer contracts as contracts concluded with consumer who is the weaker party make integral part of our everyday life. Although we usually consider consumer protection an area of contractual law, it is a category with an overlap into commercial, European, criminal and administrative law. Consumer law which is strongly affected by EU legislation, stands on the border between private and public law. Practical aspects of consumer law, however, do not in any way exclude its main purpose – seeking justice, i.e. balancing equality on one side and freedom on the other side. This branch of law is even more topical nowadays as we are exposed to advertising anywhere. Despite the fact that we are experiencing an economic crisis at the moment, financial knowledge of the Czech population increases slowly. Legislation does not correspond to the development of society. Reality is then quite different to the way we know it from textbooks.

The New Civil Code that brings many changes not only in consumer law was adopted in 2012. It provoked numberless discussions both between lawyers and public. The importance of the code was overshadowed by media shortcuts and ideological constructions. The old legislation was presented as a socialist heritage that we have to get rid of. The reform of private legislation has become a political matter.

Not only the lawyers, but also the consumers will have to deal with the ambiguous nature of the New Civil Code. The amendment to the New Civil Code which is currently under preparation shows that the concentration of the civil law material in a single act poses a risk of a casuistic and technicist nature of the code.

Besides the new civil legislation the special status of consumer is reflected by legislation concerning arbitration. A new possibility of dispute resolution taking into account the specific nature of consumer contracts is opening in front of consumers. In 2012 for the first time in history the consumers were endowed by special procedural rights.

The aim of my doctoral thesis is to compare the position of a consumer according to old and new legislation and to analyse current problems of consumer law pursuant to examples from practice.

After the introduction, the second chapter focuses on the sales contract from the perspective of the New Civil Code. The chapter deals mainly with liability for defects,

warranty, distance contracts and contracts concluded outside business premises. In the third and the fourth chapter the attention is therefore given to the arbitration. Although the legal field of my doctoral thesis is substantive civil law, I decided to outline briefly procedural aspects of consumer law.