

Abstract

This diploma thesis deals with the content of the consumer contract and its regulation from the perspective of consumers. The aim of this thesis is to analyse this particular regulation, decide whether it is sufficient, where can be seen some deficiencies and whether the regulations fulfil its function, that is to protect the weaker party. The thesis is divided into five fundamental parts. The first one is concerned with the introductory issues, such as the consumer itself, consumer protection, why is the consumer actually protected, the principles on which is the protection based. The second part looks into the unfair terms in consumer contracts. The emphasis is placed on problematic provisions with respect to the Court of Justice case-law as well as the national case-law. An independent head is devoted to the possibility of the contractual penalty in terms of trade. The third section deals with contractual information requirements. It summarizes the European regulation. It also compares the preceding regulation with the new one in order to find the current tendencies. The contractual information requirements are viewed critically, based on specialized comments and analysis. The national regulation is divided into the general regulation and consumer regulation considering the difference between the national and the European legislation. The fourth part of this thesis is concerned with the right of withdrawal and its problematic aspects. The last part summarizes the findings of the previous ones and presents the considerations *de lege ferenda*. A different approach is proposed to information requirements in order to protect the consumer effectively. The New Deal for Consumers is explained as well as the draft of consumer code. Besides these topics, the last chapter deals with the alternative dispute resolution and class actions.