

Rights from defective performance in consumer contracts

Abstract

This diploma thesis deals with rights from defective performance in consumer contracts, with both the general regulation of the rights of defective performance in the contract between the entrepreneur and the consumer, as well as the specific rights of defective performance in this contract in the case of the purchase contract and contract for work. The thesis contains definitions of the basic subjects of consumer law, as well as legal terms, which are often associated with the application of legal rules of consumer law. Such terms are defective performance, as well as individual types of defects, or even the disputed warranty under the law or voluntary contractual guarantees provided by the seller. This thesis deals in detail with the rights of defective performance, which belongs to the buyer in case of conclusion of the purchase contract. A special focus is given to the special subsection of civil code on the sale of goods in the shop. The part of this thesis is also the definition of the term of complaint, the exercise of the right from defective performance in terms of its content, manner or form, or the work also represents the persons entitled or compulsory to complain. The thesis also solves problems with proper application of the complaint, both in the form of non-recognition of the right of defective performance, and in the case of inactivity of the seller and of course their solution. Part of this thesis is also focused on the rights of defective performance in the contract for work and, in particular, it focuses on differences in rights from defective performance in the event of a construction claim. The aim of the thesis is to analyze consumer protection in this topic. The thesis takes into account the legal regulation of the Civil Code, the Consumer Protection Act, and in many places it is based on the case law of the Czech courts, possibly also the European Union law. The German Civil Code was also used for comparison. The thesis contains solved specific cases of consumers with whom the author met during practice at consumer organization dTest o.p.s.

Key Words

consumer contract, defective performance, sale of good in shop