

Legal regulation of ski safety

Abstract

The work provides an insight into Italian and Czech ski law with an emphasis on the safety of ski areas and the practice of winter sports on snow, especially in their recreational form. In its first part, the study clearly maps the evolution of Italian legislation on the safety of winter sports with an emphasis on skiing from the 1960s to the present day. Special attention is paid to the current legislation after its extensive amendment (D.Lgs. 40/2021), bringing significant changes, effective from 1/1/2022. The study also focuses on the decision-making practice of Italian courts, presents recent doctrinal insights, outlines possible solutions and possibilities of harmonization of ski law in EU countries. The first chapter of this part is dedicated to the history of the Italian special legislation, mapping its development up to the current regulation, valid until the end of 2021. In addition, it logically describes the relevant, currently valid general regulation. It also includes a description of the origin of the FIS Rules, as a globally recognized code of conduct for skiers, which was created precisely in Italy, which underlines the importance of this skiing country in the international context. The second chapter is devoted to the new special regulation of winter sports safety (D.Lgs. 40/2021), which it analyzes and comments in detail. The third chapter is devoted to an overview of the jurisprudence, where the most important court decisions, especially over the last two decades, are presented and commented on. The first part closes with the fourth chapter on the topic of "ski liability", where the findings from the previous chapters are summarized. The second part of the thesis is also divided into four chapters and is dedicated to the Czech environment, where special regulation is absent, so the current state is described. In the first chapter, basic information is provided to understand the specifics of the Czech environment, the history of skiing and current data. Chapter two contains an overview of the current legal framework. The third chapter is exclusively oriented to Czech judicial practice. The second part is closed by the fourth chapter, which discusses the possible perspectives of legal regulation in Czech conditions. The results of the work are intended not only for representatives of the legal professions, from lawyers to judges to forensic experts, but also for operators of ski areas and relevant infrastructures, especially cable cars and lifts, ski schools and ski clubs, as well as the general skiing public, sports and professional institutions and representatives mountain occupations. The second part in its foreign language version can serve the same circle of addressees from abroad. Last but not least, it certainly deserves the attention of our legislators, who should seriously deal with the safety of the mountain

environment and the setting of the necessary rules, in accordance with the public interest and the needs of society as a whole.

Klíčová slova: ski safety; skier behavior rules; ski resort operator; legislation