

Abstract

Pre-action disclosure of information and evidence

Information asymmetry or information deficit is a phenomenon where a party to civil litigation is objectively unable to carry its burden of allegation or proof because the relevant information and evidence is completely beyond its reach and there is no way the party could have obtained it through its own activity. In such cases, there is a risk that, due to the party's information deficit, the party will not be able to seek effective judicial protection and will not be able to effectively enforce its subjective rights. Such a situation has negative consequences both for the affected party and for society as a whole, since the consistent exercise of subjective rights also provides protection to objective rights. For this reason, it is essential to address the problem of the information deficit, preferably even before litigation is initiated. The topic of overcoming the information deficit is becoming increasingly relevant, as increasingly complex legal relations between private law subjects entail more complex disputes over the law, which are often accompanied by information asymmetry between the parties to the dispute.

This master's thesis explores the basis for overcoming the information deficit and the specific measures used to address this undesirable phenomenon in civil litigation. The thesis is divided into three parts. The first part deals with the general principles of overcoming the information deficit and the possibilities offered by the Czech legal system. The second part presents the principles and the specifics of the evidence disclosure procedure under the *Czech Competition Damages Act*. The third part then considers the possibilities and potential use of a universal procedure for overcoming the information deficit, which would be based on the evidence disclosure procedure.

This thesis concludes that adoption of universally applicable disclosure of evidence in Czech civil proceedings would be desirable and, given the current and expected development of EU law, reasonable.

Keywords

Civil litigation, information asymmetry, information deficit, disclosure of evidence.