

# Pure Economic Loss

## Abstract

The presented work deals with the issue of compensation for pure economic loss, which was introduced into the Czech legal system by Act No. 89/2012 Coll., Civil Code. In the previous version of civil law, compensation for pure economic loss was not limited at all. However, the legislator has newly taken over the regulation of liability from the German BGB, which significantly narrows the liability for pure economic loss. The aim of the author was therefore to evaluate the compatibility of this approach with the basis of the responsibility system of Czech civil law.

The author first focuses on explaining the concept of pure economic loss and some related terms and subsequently presents an analysis of the theoretical concept of the function of private liability and a presentation of the key functions of liability law.

This introductory part is followed by a comparative analysis of foreign legal regulations in relation to liability for pure economic loss, which, in addition to the necessary analysis of the relevant provisions of the German BGB, focuses on the analysis of jurisprudence across selected legal systems. In the chapters following this comparison, the author analytically evaluates the knowledge gained, especially in relation to the generally prevailing restrictive approach to the compensation of pure economic loss and the conceptual categories of this restrictive approach. The author also critically evaluates the doctrinal discussion, which prefers this restrictive approach to the detriment of the protection of injured subjects.

The last phase of the research commences with a historical analysis of the development of the approach to the institute of simple economic damage and an analysis of the current scope of its compensation in Czech law. A separate chapter then deals in detail with the analysis of the institute of protective purpose of the norm.

The final chapter presents a synthetic evaluation of the conducted research and answers the identified research questions of the work, in which the author critically evaluates the justification for the accepted limitation of compensation for pure economic loss in the context of Czech law and the effects of the accepted adjustment on the liability system. Finally, the author proposes his own solution *de lege ferenda* and *de lege lata*.

## Keywords

Civil law liability, pure economic loss, protective purpose of the norm