

## **Abstract**

This thesis deals with the liability for legal defects regulated in the provisions of § 1914 and following in the Czech Civil Code. It seeks to analyse dogmatically what is the essence of this liability and what are its prerequisites. It consists of eight chapters.

The first chapter identifies significant moments in developing the law of non-conformity performance. It points out that, at first, the categories of liability for defects in fact and liability for defects in title were separate institutes. They came under the joint institution of liability for non-conformity performance only in adopting the ABGB. Finally, the purpose of the institution of liability for non-conformity performance is discussed.

The second chapter focuses on the legislation in force and in force. It shows to what extent it reflects the development of the law of non-conformity. How the right of non-conformity performance is regulated in the current Czech Civil Code is characterised by the layering of norm complexes, as commercial law has been integrated into the Civil Code. The fact that the legislation deals with identical legal issues in different ways gives rise to new legal problems that must be dealt with (cf., the problem of the plurality of definitions of non-conformity performance).

The third chapter deals with the substantive scope of the law of non-conformity performance. It first explains the importance of consideration as a prerequisite for the institution of the right of non-conformity performance. It then turns its attention to whether the right of non-conformity performance should also apply to performances consisting of simple action (obligations to endeavour) and non-action. The question is also whether certain obligations arising from a synallagmatic contract which require the debtor to do or provide something are also subject to the law of non-conformity performance.

The fourth chapter discusses the various systems of liability for legal defects that can be found in legal systems that are close to Czech law. This part of the thesis explains the nature and implications of the various possible liability concepts for legal defects. The subsequent (fifth) chapter analyses which concept of liability for legal defects is found in the provisions of § 1914 and following in the Czech Civil Code. The sixth chapter concentrates on the decisive moment at which liability for legal defects is to be assessed in Czech law.

The seventh chapter extensively analyses the various situations in which liability for legal defects may be considered. The analysis is limited to contracts for transferring a right or title to a thing, as these are the most typical cases. Finally, Chapter 8 analyses the negative presumptions of liability for defects. The issues addressed here are also of fundamental importance for liability for defects of fact.