

Abstract

Thesis title: Consumer's withdrawal from a contract concluded by remote communication means

This thesis aims to analyse the legal environment in the field of consumer withdrawal from a contract concluded by remote communication means (hereinafter referred to as "distance contract"), with a focus on the legal regulation contained in the Civil Code, and to provide a comprehensive interpretation of this issue. The sources to be used are mainly Czech legislation, the Consumer Rights Directive, Czech and foreign literature, and case law of the Court of Justice of the EU and the Constitutional and Supreme Court of the Czech Republic. Given that withdrawing from a contract is a relatively frequent legal act of consumers, the interpretation focuses not only on the legal norms that regulate this issue but also on the practical interpretation of these norms and their use in situations that may arise during or after the exercise of the right to withdraw from a contract.

The thesis is divided into five separate chapters, which are arranged in such a way that the subsequent chapters, in a certain way, expand on the interpretation given in the preceding chapters. The introductory chapters of this thesis introduce the reader to the definition of distance contracts, explain the means by which such contracts can be concluded, and also list the Czech and European Union legal regulations in this area. Subsequent chapters deal with the consumer's withdrawal from a distance contract, both in terms of the consumer's exercise of this right and the way of withdrawal, as well as in terms of the withdrawal period from a distance contract and its extension or time-limit compliance. Attention is also paid to distance contracts with no right of withdrawal and contracts concluded by remote communication means, but the legal regulation of distance contracts does not apply to them. The penultimate chapter deals with the consequences of withdrawal from a distance contract, focusing in particular on the individual rights and obligations of the entrepreneur and the consumer. The final chapter expands the interpretation of the previous chapters on the case law of the Court of Justice of the EU, the Constitutional Court of the Czech Republic, and the Supreme Court of the Czech Republic.

Keywords: right of withdrawal, consumer, distance contract