

## **Abstract**

The topic of this Master's degree thesis is "Comparison of the legislation of the damage liability in the Czech and Austrian civil law". The purpose of the thesis is to give the general summary of the topic and to point out the main differences and similarities in the area of damage liability in the Czech and Austrian civil law.

The core of the thesis consists in the comparison of the tort liability, i.e. damage liability arising from the illegal act (tort law) and the strict liability.

The thesis should also verify, if the legislation of the damage liability in the traditional Austrian Code – Civil Code of Austria – is similar to the legislation in the Civil Code of the Czech Republic and if the Civil Code of Austria was an inspiration for the new Czech Civil Code.

The thesis is composed of six chapters, the core could be found in the chapter two, four and five.

Chapter One is a historical introduction and it describes the evolution of the civil law in the Austrian and Czech area.

Chapter two is focused on the basic terminology and the key terms such as "damage liability" and "damages" and the constitution conditions of the damage liability as well as damages. The chapter gives a description of the main differences and similarities in the terminology in the both Codes.

Chapter three examines the systematic structure of the damage liability in the Civil Code of Austria and in the Czech Civil code and compares the advantages and disadvantages of each structure.

Chapter four concentrates on problems of limitation of the claim to damages (both subjective and objective limitation of time).

Chapter five provides the description of the special damage liabilities enacted by the Code Civil of Austria on the background of the Czech civil law.

Chapter six illustrates the level in which the process of the legislation of the damage liability in the new Czech Civil Code was inspired by the legislation in the Civil Code of Austria and investigates the elimination of the imperfection and unsystematic structure in the Czech liability law.