

# **Liability for defects in the purchase agreement**

## **Resumé**

This work is aimed at a deeper understanding of the issue of liability for defects in the purchase agreement, especially by the comparison the responsibility for defects in the purchase contract in the Civil Code and the Commercial Code, as well as in the new Civil Code.

The thesis consists of five chapters, introduction and conclusion, each of them dealing with different aspects of the legal rules regulating main topic. In the introduction, there are illustrated particular points, which determine tasks of the paper.

Chapter One shortly defines general terminology as a liability, legal liability, conditions of liability and a classification of liability.

Chapter Two refers to sources of law concerning the liability for defects. The analysis of the sources and the reciprocal relation between the main statutes – Civil Code and Commercial Code - and its particular provisions is very important for the comprehension of the topic.

Chapter Three examines the differences between various types of legal liability. There is a brief description of liability for damages, liability for delay and unjust enrichment. These instruments of law must be distinguished from liability for defects, as they are often confused.

Chapter Four consists of six parts, which represent the most important part of the thesis. The goal of the first subchapter is to describe and analyse preconditions of constitution of liability for defects, which comprise infringement, causing defect and the causality between these elements. The first subchapter concern especially with the term defect and the classification various types of defects. The definition of the term defect is vital for other aspects of liability for defects qualification. The warranty and statutory liability for defects is contained in the second subchapter. Purchase agreements concluded between the entrepreneur and the consumer has a special regime of consumer's protection, as the consumer cannot obtain as much relevant information as the entrepreneur, and so the consumer can be cheated. This

aspect of liability for defects is also involved in the fourth subchapter. Various rights from defects arise to the buyer in case that the purchased item has defects. The buyer has several options (rights): he can demand repair, replacement, discount or withdraw the contract. The respective statute set the condition of complaint. The thesis also deal with requirements for the complaint as a fundamental act of buyer. Contractual parties can have expenses, which arise in relation to defects.

The last chapter is focused on the relation of liability for defects and liability of damage. These liabilities often stay unrecognized by public, which leads to frequent misunderstandings.

I chose this field because of its topicality and importance for everyone's life.