

Damage caused by information or advice - Czech adaptation, DCFR and PETL

Abstract

This thesis deals with liability for damage caused by administration of incorrect information or harmful advice, which is governed by Section 2950 of Act No. 89/2012 Coll., The Civil Code. At the same time, it deals with its relation to the documents of the European legislative groups, namely the document of the Principles of European Tort Law (PETL), and the Draft Common Frame of Reference (DCFR).

The aim of this thesis is to introduce annotated provision, its inclusion in the systematics of the Civil Code and to outline the possibilities and requirements of its application. This goal was also necessary to subject to an examination of the view of PETL and DCFR European documents, which inspired the legislative decision to include the annotated provision in its current form into the Code and even it was an inspiration for the creation of the Civic Code itself.

In the context of introducing the annotated provision, it was necessary to develop the individual topics that formed the basis for accountability according to Civil Code in general, in the concrete in relation to the annotated provision and, finally, in relation to the intentions of the PETL and DCFR European documents. The main subjects are therefore the subjects of the damage, especially the interpretation of the concept of a professional person, a member of a certain state or profession - a pest. Of course, a chapter focusing on individual entities emerging from a possible application of a provision did not go without showing the status of the recipient of the information or advice as a victim, or without mentioning the impact on third parties. Farther, amongst the core themes belong necessarily the specifics of information and advice as those of the most important elements of the provision. This section was subjected to the enquiry of the perspective of different authors and their opinions. Other important parts of the text are the chapters on damage and causality. In these terms the thesis presents a picture of the differences and the possibilities of further development of Czech provisions. This concerns especially the provisions of causality, precisely solved in PETL, where the Czech regulation is somewhat behind, and so it is possible to find an source of inspiration for the Czech legislator in it.

The benefit of this work on the basis of the facts described should also be a support of the application of the annotated provision and helping with the creation of the case-law that is currently lacking.

Keywords: accountability, information, damage