

Table of Contents

The Authors	3
List of Abbreviations	11
Preface	13
General Introduction	15
§1. GENERAL BACKGROUND OF THE COUNTRY	15
§2. LEGAL FAMILY AND THE CZECH LAW	16
§3. PRIMACY OF LEGISLATION IN THE CZECH LEGAL SYSTEM	16
§4. THE POSITION OF THE JUDICIARY	16
§5. DISTINCTION BETWEEN PUBLIC LAW AND PRIVATE LAW (ADMINISTRATIVE CONTRACTS)	17
§6. DISTINCTION BETWEEN CIVIL LAW AND COMMERCIAL LAW (COMMERCIAL CONTRACTS)	18
Introduction to the Law of Contracts	21
§1. DEFINITION OF THE LAW OF CONTRACTS	21
§2. HISTORICAL BACKGROUND OF THE LAW OF CONTRACT	22
§3. CLASSIFICATION OF CONTRACTS	23
§4. CONTRACTS AND TORTS	24
§5. CONTRACT AND QUASI-CONTRACT	24
§6. CONTRACTS AND THE LAW OF PROPERTY	25
§7. CONTRACT AND TRUST	25

§8. GOOD FAITH AND FAIR DEALING	26
§9. STYLE OF DRAFTING	26
§10. SOURCES OF THE LAW OF CONTRACT	27
Selected Bibliography	29
Part I. General Principles of the Law of Contract	31
Chapter 1. Formation	31
§1. AGREEMENT AND QUID PRO QUO (RECIPROCITY)	31
I. Offer and Acceptance	31
II. Intention to Create Legal Relations	32
III. Consideration, Gratuitous Promises, Natural Obligations	34
A. Consideration	34
B. Gratuitous Promises	34
C. 'Natural Obligations'	34
IV. Modifications of the Contract	35
§2. FORMAL AND EVIDENCE REQUIREMENTS	37
I. Formal Requirements	37
A. Tender	38
II. Contract under Seal	38
III. 'Solemn' Contracts	38
IV. Evidence Requirement	38
V. Function of the Notary and Notarial Instruments	38
VI. Burden of Proof	39
§3. LIABILITY AND NEGOTIATIONS	40
I. Pre-contractual Liability	40
II. Breakdown of Negotiations	41
A. Termination	41
Chapter 2. Conditions of Substantive Validity	42
§1. ESSENTIAL ELEMENTS	42
Chapter 3. The Content of a Contract	51
§1. GENERAL EXPLANATION	51
I. Consequences	51
II. Grounds and Consequences of Invalidity	52

§2. INTERPRETATION	60
§3. CONDITIONAL CONTRACTS	60
Chapter 4. Privity of Contract	63
§1. THE RULE OF PRIVACY OF CONTRACT	63
I. Third Parties and the Contract	63
II. Contract for the Benefit of a Third Party	63
III. Contract to the Debit of a Third Party	64
§2. TRANSFER OF CONTRACTUAL RIGHTS AND/OR OBLIGATIONS	64
§3. THE SPECIAL CASE OF A SUBCONTRACT, FOR EXAMPLE, THE (NOMINATED) SUBCONTRACTOR IN BUILDING CONTRACTS	69
§4. <i>ACTIO PAULIANA</i>	69
Chapter 5. Termination of a Contract	71
§1. DEBT FULFILMENT: PERFORMANCE AND BREACH	71
§2. IMPOSSIBILITY AND HARDSHIP: UNFORESEEN IMPOSSIBILITY	74
§3. WITHDRAWAL FROM THE CONTRACT	74
§4. SETTING OFF (UNILATERAL AND BY THE AGREEMENT)	75
§5. AGREEMENT ON A NEW OBLIGATION (<i>NOVATION</i>)	76
§6. WAIVER OF A RIGHT	76
§7. REMISSION OF DEBT	77
§8. SETTLEMENT	77
§9. BY LAPSE OF TIME	78
§10. DEATH OF THE DEBTOR OR THE CREDITOR	78
§11. PRECLUSION OF RIGHTS	78
§12. DEBTOR'S DELAY UNDER 'FIXED' CONTRACT	79
§13. MERGER OF DEBTS	79

Part II. Specific Contracts	81
Chapter 1. Consumer Contract: General Provisions	82
§1. GENERAL RULES FOR CONSUMER CONTRACTS	82
I. Distance Contracts	83
II. Contracts Negotiated Away from Business Premises	86
Chapter 2. Sales	88
§1. ‘CIVIL’ SALE	88
I. Exchange (Barter) Contract	91
II. Sale of Goods in Shops	91
§2. ‘COMMERCIAL’ SALE	92
I. Sale (Transfer) of the Enterprise	99
II. Sale of a Leased Thing	101
Chapter 3. Donation	103
Chapter 4. Contract for Work	104
§1. ‘CIVIL’ CONTRACT FOR WORK	104
§2. ‘COMMERCIAL’ CONTRACT FOR WORK	106
Chapter 5. Loans	112
§1. LOAN FOR CONSUMPTION	112
§2. LOAN FOR USE	112
§3. CONSUMER CREDIT	113
Chapter 6. Lease Contracts	114
§1. GENERAL PROVISIONS	114
§2. LEASE OF FLATS	114
§3. LEASE OF NON-RESIDENTIAL (BUSINESS) PREMISE (SPACE)	115
§4. LEASE OF AN ENTERPRISE	115
§5. LEASE OF A MEANS OF TRANSPORT	118

Chapter 7. Mandate	120
§1. 'CIVIL' MANDATE	120
§2. 'COMMERCIAL' MANDATE	122
Chapter 8. Bailment (Contract on Custody, Deposit)	124
§1. 'CIVIL' BAILMENT	124
§2. 'COMMERCIAL' BAILMENT	125
§3. STORAGE	127
§4. COMMERCIAL CONTRACT ON BANK DEPOSIT OF A THING	128
Chapter 9. Accommodation for a Short Term	130
Chapter 10. Transportation	132
§1. 'CIVIL' TRANSPORTATION	132
§2. 'COMMERCIAL' TRANSPORTATION OF GOODS	135
Chapter 11. Agency Contracts (Brokerage)	137
§1. 'CIVIL' AGENCY	137
§2. COMMERCIAL AGENCY	137
§3. BUSINESS ON COMMISSION (COMMISSIONARY AGENCY)	140
§4. 'COMMERCIAL' PROCUREMENT	142
Chapter 12. Bank Businesses	144
§1. (BANK) DEPOSITS	144
§2. DEPOSIT ACCOUNT	144
§3. CREDIT	145
§4. CURRENT ACCOUNT	146
§5. TRAVELLER'S CHEQUE	147

Chapter 13. Insurance	148
Chapter 14. Civil Partnership	152
Chapter 15. Silent Partnership	154
Chapter 16. Private Annuity	156
Chapter 17. Wagering (Betting) and Gaming	157
Chapter 18. Public Competition	158
Chapter 19. Public Promises	159
Chapter 20. Package Tours (Travel Contract)	160
Chapter 21. Contract for Operation of a Means of Transport	162
Chapter 22. Contract for Inspection Activities	163
Chapter 23. Quasi-contracts	165
§1. OBLIGATIONS ARISING FROM UNJUSTIFIED ENRICHMENT	165
I. General Outline	165
II. The Obligations Arising from Unjustified Enrichment	165
III. Legal Consequences of Unjustified Enrichment	168
§2. AGENCY WITHOUT MANDATE (<i>NEGOTIORUM GESTIO</i>)	170
Index	171