

Summary
of doctoral dissertation entitled
“Basic payment account and basic payment account agreement”
prepared by mgr Mateusz Blocher under the direction of prof. dr hab. Aleksander Chłopecki

The subject of the doctoral dissertation is the analysis of the bank account agreement covered by the regulations on access to the basic payment account, contained in Section III Chapter 7 of the Act of 15 July 2011 on payment services, hereinafter the “Payment Services Act” (the so-called basic payment account agreement). The main research objective of the dissertation is to determine the legal nature of the so-called basic payment account agreement and basic payment account. The dissertation consists of eight chapters.

Chapter I is an introduction to the issues of the basic payment account and the so-called basic payment account agreement. As part of the preliminary matters, the economic and social background of the discussed constructions is outlined.

After discussing the initial background, within chapter II the issue of access to a basic payment account under EU law was analyzed. Due to the lack of a similar legal structure in the Polish civil law to date, and thus the lack of a national historical context for this regulation, the paper presents the origin and development of the concept of access to a basic payment account and the so-called basic payment services under EU law, concluding with a summary of the most important assumptions adopted by the European legislator in Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014. (so-called PAD Directive). The dissertation also presents comparative remarks to solutions implemented in the legal systems of selected Member States (England, Germany and France).

Chapter III concerns the legal nature of the basic payment account and the so-called basic payment account agreement. Due to significant similarities between the construction of the so-called basic account agreement and the bank account agreement, the conclusions in this respect were preceded by a brief summary of the most important issues related to the bank account and the bank account agreement. This chapter is also devoted to reflections on the concepts of “payment account” and “framework agreement” within the meaning of the Payment Services Act.

Chapter IV was dedicated to the issue of (right of) access to a basic payment account and to so-called basic payment services. These issues are inseparably connected with the construction of the basic payment account agreement and are directly translated into the nature and scope of obligations of payment service providers and correlated consumer rights.

In chapters V and VI, an in-depth analysis of the structural elements of the so-called basic payment account agreement is made, including a description of the parties to the agreement and the principles of its conclusion, amendment and termination.

Chapter VII concerns the subject matter of the basic payment account agreement. Separate conclusions are made to the issue of fees and the issue of an overdraft facility in the basic payment account.

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In all chapters, which were decimated to the characteristics of the basic payment account agreement, a consistent structure of the argument was maintained. This structure assumes that the provisions on access to the basic payment account are compared with the regulation of the bank account agreement under the general legal regime (i.e. covered by the framework of the Civil Code and the Banking Law) and with the regulation of the bank account agreement covered by the Payment Services Act regulations. The structure adopted in this respect illustrates the relations between the above mentioned legal regimes.

The final chapter VIII contains a summary of the conclusions and the *de lege ferenda* postulate regarding the regulation of the basic payment account agreement.