

Contract for services – *de lege lata* remarks and propositions *de lege ferenda*

The thesis is dedicated to service contracts, that are not subject to the provisions on other nominate contracts. *De lege lata* they are referred to in art. 750 of the Polish Civil Code (PCC). The need of applying *mutatis mutandis* to them, in accordance with the above-mentioned article, the rules on the contract of mandate is criticized. Dysfunctional state of Polish law in this area was qualified as an academic problem. Its solution was identified in the concept of introducing a new nominate contract i.e. contract for services coupled with the repeal of art. 750 PCC.

Moreover, in order to justify suggested amendments in this area it was observed that among other services became more important for economy within the last 30 years as well as information technologies developed significantly. Both aforementioned factors vastly influenced the way of forming and executing services contracts.

The proposal of new regulation on the above-mentioned contracts is a result of academic research performed by means of dogmatic and comparative methods. In order to show the wider context of discussed issues, legal findings were confronted with findings made in the field of economics and sociology. The results of research process are presented in eight chapters. One of the most important part is a description of the present regulations in historical and comparative perspective. The former perspective use was aimed at indicating the circumstances of the said regulations development and explaining the reasons why they took their current form. While the latter one was applied to specify the other possible solutions in this area, that could constitute an impetus to recodify Polish civil law.

According to the assessment carried out within the research processes, an inspiration to draft the appropriate solutions could be found in the *Principles of European Law on Service Contracts* and the *Common Frame of Reference* adapted to Polish law. Nonetheless, in contrary to: assumptions made in the above-mentioned works, as well as views of some Polish academics (F. Zoll, M. Pecyna) and draft provision on services by the Services Task Group of Civil Law Codification Commission, a need to regulate a new nominate contract i.e. “contract for services” was identified.

The thesis presents the reasons to make the above-mentioned contract a nominate one i.e. the fact that it is concluded by parties on a large scale (it is frequent in practice). Additionally, it is possible to claim that it acquired a distinct legal frame. Moreover, this work contains the proposal of draft regulations in this area.

To sum up, by this thesis the author takes part in a discussion on the shape of the forthcoming Polish civil law expressed in the frames of the new Civil Code and hopes that his work contributes to this debate and provides food for thought for its other participants.