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**SUMMARY OF THE DOCTORAL DISSERTATION
CIVIL LIABILITY FOR UNFAIR MARKET PRACTICES**

Counteracting unfair market practices and the related civil liability of the entrepreneur is the result of many years of evolution of consumer protection and changes in consumer policy. The need to sanction unfair commercial practices resulted in the adoption of Directive 2005/29/EC of the European Parliament and of the Council of 11th May 2005 concerning unfair business-to-consumer market practices in the internal market and amending Council Directive 84/450/EEC, Directive 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No. 2006/2004 of the European Parliament and of the Council (“Unfair Commercial Practices Directive”), which was transposed into the legal order by adopting the Act of 23rd August 2007 on Counteracting Unfair Market Practices. The Act, in its assumptions, was to be an instrument facilitating the pursuit of claims by an individual consumer. It was also supposed to help in the effective pursuit of claims for consumers by granting appropriate powers to public entities.

However, the introduced legal solutions in the field of counteracting unfair practices give rise to interpretation problems, which in practice cause difficulties in determining liability (its type) determining the proper manner of civil proceedings and pursuing claims. Therefore, a thesis can be put forward about the existence of a kind of dissonance between the theoretical and practical application of the Act on Counteracting Unfair Market Practices, which as a result hinders the implementation of the assumptions provided for by the legislator in terms of obtaining high consumer protection and effective enforcement of the law.

The main objective of the research is to assess the assumptions of the provisions of the Act on Counteracting Unfair Market Practices in the field of civil liability of the entrepreneur in terms of practical application. The aim of the dissertation is also to demonstrate that the civil liability of the entrepreneur is of a compensatory nature, resulting from the pecuniary nature of claims, which liability may belong not only to the tort regime, which is most often indicated, but also to the contractual regime.

The research, which is the basis for the considerations undertaken, is conducted on the basis of the historical and legal method, the dogmatic and legal method, the legal and comparative method and the empirical method. The scope of research conducted in the dissertation is wide, based on the analysis of legal acts, scientific studies, doctrine and literature, national case law, case law of the CJEU, administrative decisions as well as on the basis of the author’s own professional experience.

The thesis includes 5 thematic chapters in which research is conducted to achieve the main objective of the dissertation, as well as an introduction and conclusion containing an assessment of the assumptions of the regulation on counteracting unfair market practices.

Chapter 1 is devoted to topics related to consumer protection in the European Union and in Poland in historical terms, pointing to the changing trends in consumer policy and the legal regulations created on its basis. In addition, it refers to the issue of adopting an appropriate method of harmonisation on the example of selected legal acts.

Chapter 2 presents the origins and objectives of Directive 2005/29/EC and some decisions of the CJEU pointing to interpretation problems in its application. This chapter analyses the Act on Counteracting Unfair Market Practices and the method of implementing the Directive. In addition, the entities covered by the regulation of the Act and the premises of unfair market practices along with the mechanism of their examination were indicated.

Chapter 3 concerns entities authorised to pursue claims for unfair market practices. Therefore, it discusses issues related to having the status of a consumer and the right to a court exercised in individual and group proceedings. It also presents entities other than the consumer entitled to pursue claims under the Act on Counteracting Unfair Market Practices or based on other legal provisions.

Chapter 4 contains undoubtedly key considerations regarding the grounds for the entrepreneur's civil liability for unfair market practices. It covers the part concerning the definition of civil liability and its types, broken down into tort and contractual regimes, discussing the premises and principles that should be followed. This analysis served as the basis for the liability study for unfair market practices in general and in detail, also based on Art. 12 sec. 1 point 4 of the Act on Countermeasures in unfair market practices. This chapter also takes into account the issue of overlapping claims and presents the impact of criminal and administrative liability on the entrepreneur's civil liability for unfair market practices.

Chapter 5 concerns the pursuit of claims as a result of the entrepreneur's civil liability for unfair market practices and focuses on the analysis of the demands contained in Art. 12 sec. 1 of the Act on Counteracting Unfair Market Practices in order to determine the correct interpretation, also in terms of the Act on Combating Unfair Competition and the Civil Code. This section presents an analysis of court decisions in terms of the choice of legal basis for claims and problems related to their interpretation. The problem of the burden of proof and the limitation period for claims for unfair market practices, which affect the civil liability of the entrepreneur and the manner of proceeding, are also discussed. The problem of civil liability and pursuing claims by authorised entities other than the consumer concludes the considerations related to pursuing claims as a result of the entrepreneur's civil liability for unfair market practices.

The assessment of the assumptions of the regulation of the Act on Counteracting Unfair Market Practices in the field of civil liability of the entrepreneur in terms of practical application was included at the end of the dissertation, thus fulfilling the main objective of the research.