

Legal Literature

Legal Literature Details

Member State: Poland

Title: The principle of adversarial proceedings and the postulate of efficient civil proceedings and protection of consumer rights in the light of Directive 93/13

Subtitle:

Type: article

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Author: SKOTNICKA, E.

Reference: Europejski Przegląd Sądowy, 2010, no 3. pages 11-18.

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Keywords: case law, court, jurisdiction, unfair terms

Directive Articles

Unfair Contract Terms Directive, [Article 3, 1](#). Unfair Contract Terms Directive, [Article 6, 1](#).

Headnote

The article addresses the practical problems related to the application of “consumer law” by Polish courts.

The author provides a comprehensive review of the judgements of the European Union Court of Justice concerning Directive 93/13/EEC on unfair terms in consumer contracts. It is noted that in the light of those judgements, national courts are obliged to ensure the effectiveness of the Directive. This means that the role of national courts is not reduced to the possible declaration that a provision of a contract is unfair.

The article describes the Polish law that implements Directive 93/13/EEC into national law. The author points out that the general clause provided in Article 385(1) paragraph 1 of the Civil Code includes criteria for assessing whether a provision of a contract is unlawful.

The article also provides information about procedural regulations concerning cases involving consumers. The author analyses issues related to the local jurisdiction of courts and the prorogation clause. The author also addresses the matter of the obligatory examination of clauses in the context of their abusiveness.

The author highlights the most important conclusions concerning the implementation of Directive 93/13/EEC into Polish law and potential changes in procedural regulations necessary to enhance the effectiveness of consumer protection.

General Note

Related Cases

No results available