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'Consumer right to withdraw from the agreement' – abstract.

The purpose of the thesis is to indicate statutory cases in which a consumer has an unconditional right to withdraw from the agreement without giving reasons, and to explain the subjective and objective conditions of this entitlement, motives and purposefulness of its introduction into the legal system. The major goal of the thesis is to carry out a comprehensive dogmatic analysis of the structure of the consumer right to to withdraw from the agreement, and effects of its implementation. Within the major goal discussed are functions of the subjective right, manner of its fulfilment and placing in the private law system. Furthermore, an attempt has been made to provide an answer to the question whether a consumer right to withdraw from the agreement may be reconciled with the principle of *pacta sunt servanda*.

The thesis comprises seven chapters following which added is the list of abbreviations and bibliography.

The first chapter includes information regarding the purposes of the thesis, its scope, applied research method and terminological comments.

The second chapter contains the analysis of competences of the European Union in the scope of harmonization of the private law and particularly the consumer law. These competences have been presented in a historical perspective and subjected to functional analysis. In this chapter explained are also the terms of the European private law, consumer protection law, consumer agreement, and presented is the evolution of the term of a consumer in the secondary legislation of the European Union.

The third chapter constitutes a broad analysis of an objective part of the consumer right to withdraw from the agreement, i.e. the term of a consumer and entrepreneur. The chapter presents differences between the Polish law and directival requirements, and proposes possible ways of reduction of this disharmony.

The fourth chapter pertains to the legal character, functions and possible manners of streamlining a consumer right to withdraw from the agreement. The subjective entitlement has been presented in the light of other similar to it rights, so that in this way indicate its place in the private law system. This chapter covers also a broad historical and dogmatic analysis of shaping laws, and the obtained results have been used for the description of a consumer right to withdraw from the agreement.

The fifth chapter deals with the occurrence and fulfilment of the subjective right by a

consumer. This part of the thesis raises the issues pertaining to the moment of the emergence of the entitlement, its influence on the existing relationship of obligation, manner of implementing the entitlement and a date of its validity. Apart from this, presented are detailed issues connected with the fulfilment of the right to withdraw from the agreement, i.e. the ability to withdraw from a part of the agreement, use an attorney, assignment of receivables, a cumulative accession to a debt, and multiplicity of entities entitled to carry out the subjective entitlement.

The sixth chapter contains the analysis of effects of performance of the consumer right to withdraw from the agreement. First, discussed is the issue of the influence of the agreement termination on the contractual relationship as a whole. In the thesis a stance is taken on a prospective and exclusively bonding result of the consumer right to withdraw from the agreement by a consumer. Next, presented are detailed effects of the implementation of the subjective entitlement for the parties to the relationship of obligation. At the end of the chapter presented is the subject of an extended result of cancelling the agreement, i.e. issues of tying contracts and additional agreements.

The seventh chapter provides the results of research carried out, theses and conclusions.

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