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Abstract:

The paper discusses current state of the codification of private international law bringing together the Polish experience from this field and the perspective given by the unification efforts of the European Union. It is divided in two parts.

In the first part the Polish experience of the codification is depicted in order to demonstrate some of its achievements. Indeed, at the very beginning, i.e. in 1926, when the first Polish Act on Private International Law was promulgated, it was the experiment incomparable with any of contemporary instruments (which were scarce at this time). This experiment proved itself to be very successful. Despite what one could have expected, another Polish Act on Private International Law of 1965 was based on the same principal assumptions as its predecessor. Eventually, the ‘Polish’ model of the codification emerged.

In the second part the characteristic of the mentioned ‘Polish’ model of codification is set against the current state of the development of private international law, in both its dimensions, i.e. national and international. It is argued that the unification of private international law by the European Union has led to the ‘creeping codification’. This is a state, when national systems can no longer be considered proper codifications, and the EU instruments constitute a kind of piecemeal legislation, although they cover important part of private international law. In the nutshell, the creeping codification has led to the de-codification.

In the conclusion, the proper codification is pled to be the solution for the shortcomings of the current state of the private international law. Such a codification could immensely benefit from the Polish experience.