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Abstract:

In this article, the Author criticizes the propositions of changes which are planned to be made in the Polish consumer sale law, demonstrating that almost all of these propositions are ill-founded or badly-designed. According to him, the reason is twofold. First, the proffered solutions do not fit the very reality in which consumer sale takes place in Poland (and not only here): especially the basic need to maintain positive relations among the consumers and sellers as well as between the sellers and their direct and indirect suppliers seems to be – by the drafters – utterly disregarded. Second, the propositions are very often based upon fallacious assumptions or the misunderstanding of working of a legal institution they have wanted to reform. The more significant concern, however, lies in the fact that full of defects though the planned changes are, almost none of these defects has been discerned and pointed out by the consulted organizations and state agencies whose mission is to take care of the consumers' and entrepreneurs' rights and interests. In consequence, one is tempted to ask who, if not such organizations and agencies, is to see to the needs of the market and its participants having been properly secured in the Polish consumer law.