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Abstract:

The article is a voice in the discussion on the implementation of Directive 770/2019 on certain aspects of contracts for the supply of digital content and digital services. This is a reference to a project published in Quarterly of Private Law No 2/2021, prepared as part of the Academic Draft of the Civil Code. The author's attention is focused on the issue of a regulatory instrument (provisions in question contained in the civil code vs. provisions in question contained in another instrument), as well as on their placement within the civil code. The author presents the debatable issues related, for example, to a fundamental institution of civil law on which liability for the breach of an obligation is based. The need to regulate prices expressed in digital assets, including with the use of virtual currencies, also poses a significant challenge for the national legislator. Contracts under which the user of digital content or digital services is obliged to provide personal data in order for the counterparty to perform the obligation constitute a new quality under contract law. The author presents a proposal for specific solutions related to the discussed directive and, at the same time, in many aspects points to the need to intensify discussion, not only a scientific one, the subject of which is wider than just a fragmented regulation related to the obligation to implement an EU directive. The author contemplates whether it would be necessary to adopt a digital code.