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Abstract:

The article deals with a classification model used to distinguish between the obligations to achieve a specific result and the obligations of best efforts. Despite some theoretical reservations, this classification is commonly used both by the academics in the field of civil law and in the case law. The main goal of the article is to properly distinguish between these two types of obligations, as well as to present the consequences of such operation as regards the liability for non-performance or improper performance of an obligation. The initial part discusses the French origin of the classification and its implementation in the Polish civil law. Furthermore, it contains necessary terminological qualifications, as well as assumptions concerning the scope of the subject matter and the classification rules. Subsequent parts focus on the debtor's liability for non-performance or improper performance of an obligation with respect to both their types. The article also provides a general description of the obligations of best efforts.