

Author: Piotr Tereskiewicz

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Abstract:

The article analyses and evaluates the provisions on joint and several (solidary) liability, as laid down in the recent European and international model acts on contract law, in particular the Draft Common Frame of Reference and the Unidroit Principles of International Commercial Contracts. The analysis is undertaken from the perspective of Polish Civil Code of 1964, with a view to discussing whether the Polish regulation of joint and several liability should be modernized to keep up with internationally prevailing or emerging trends or solutions. The author concludes by claiming that the respective Civil Code provisions remain up to date and display high quality of drafting, requiring only minor adjustments, depending on regulatory choices that the legislators takes with view to solving specific issues relating to joint and several liability (e.g. consequences of a discharge of one of co-debtors for the position of other co-debtors; presumption of joint and several liability rather than liability pro rata).