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Abstract:

This paper aims to address certain problems concerning prescription. It focuses on the prescription of claims for damages awarded for breach of contract. In the Polish Civil Code there are no special rules in place concerning such claims and the prescription thereof is to be ascertained on the basis of general provisions. The latter were designed in order to regulate the prescription of claims reflecting the primary obligations of the parties (the obligations of specific performance). Consequently, their application to claims concerning secondary obligations, i.e. claims for damages, raises serious doubts and encounters numerous problems of high practical importance. The paper proposes such interpretation of general provisions on prescription that seemingly both suits the nature of claims for damages for breach of contract and is fit for the purpose generally ascribed to prescription as a legal phenomenon.