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**Abstract:**

The article concerns German legal order. It presents the standpoints of jurisdiction (particularly the German Highest Court – Bundesgerichtshof) and doctrine on the discussed problems. The considerations taken up in this publication may have a significance for Polish entrepreneurs which are performing obligations as subcontractors of German entrepreneurs.

After introducing general problems the attention is focused on opinion of situation in frame of reference of rules applying to compensation liability. The provisions concerning compensation to the slight degree help debtor liable in recourse proceeding. For this reason the article discusses the problem of interference in negotiating liquidated damages and its control. At the end there is a presentation of synthetic conclusions based on the conducted considerations.