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Artykuł 30 ustawy Prawo prywatne międzynarodowe – jego geneza i rola w systemie kolizyjnoprawnej ochrony konsumenta

Article 30 of the statute on Private International Law – its genesis and its role in the conflicts of law system of consumer protection

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Abstract:

Art. 30 of the new Polish statute on Private International Law of 2011 grants the consumer – under certain conditions – the protection offered by the Polish substantive provisions implementing enumerated consumer directives even if the Polish law is not generally applicable to the case at hand. Art. 30 introduces important changes in Poland in comparison with the hitherto situation and it constitutes – as it is argued by the Author – the reaction of the Polish legislator to recent developments in private international law of the European Union. After presenting, in the conflict of laws context, the history of the transposition of consumer directives in Poland, the Author examines the conditions under which – in the light of the new statute – the consumer may invoke the protective measures of the Polish law. Additionally, the legal mechanism employed in art. 30 is analyzed. It is the mechanism which consists in a correction of the choice of law made according to general rules. The discussion is conducted against the background of other constructions which may protect the consumer on the conflict of laws level such as Art. 6 and Art. 3.4 of the Regulation Rome I on the law applicable to contractual obligations.