

General information on the course

Course:	Comparative Private Law
Organisational unit:	Zakład Prawa Cywilnego i Prawa Międzynarodowego Prywatnego (Department of Civil Law and Private International Law)
Period:	Summer semester 2024/2025
Form of classes and number of hours:	Lecture (30 h), compulsory classes (14 h)
Form of completion:	Completion of compulsory classes in written form Written exam
Lecturers:	Anastazja Kołodziej PhD (lecture and class No. 1) Bogna Kaczorowska PhD (lectures No. 2–15 and classes No. 2–7)
Field of study:	I LL.M. IEL

I. Lecture programme

1. 25 February 2025 Comparative analysis: selected case law
(lecture by Anastazja Kołodziej PhD)
2. 4 March 2025 Comparative law: Concept, functions, methodology
3. 11 March 2025 The role of comparative law in the light of private law unification.
Basic private law institutions in the comparative law perspective
4. 18 March 2025 Introduction to contract law. Sources and scope of contract law.
Concept of contract. Classification of contracts
5. 25 March 2025 Formation of contracts. Consensus. Pre-contractual agreements
6. 1 April 2025 Interpretation of contracts
7. 8 April 2025 Vitiating of contracts: defects of consent. Illegality and contra-
diction to moral standards
8. 15 April 2025 Contractual obligations. The nature of obligation. Contractual
obligations and third parties. Types of obligations on the example
of selected contracts
9. 29 April 2025 Performance of obligation. Breach of obligation
10. 6 May 2025 Introduction to consumer law. Concept of consumer. Consumer
law models in European Union. Consumer contracts. Right to
withdraw from the contract. Product liability
11. 13 May 2025 Introduction to tort law. Features of liability in tort. Liability rules
12. 20 May 2025 Plurality of the liable parties. Liability for others
13. 27 May 2025 Introduction to property law. Types of real rights in selected legal

- systems
14. 3 June 2025 Real security rights. Land registration systems
 15. 10 June 2025 Law of succession in comparative perspective

II. Classes programme

1. 25 February 2025 Comparative analysis: selected case law
(class held by Anastazja Kołodziej PhD)
2. 4 March 2025 The role of comparative law in the light of private law unification
Introduction to contract law. Sources and scope of contract law.
Concept of contract. Classification of contracts.
Formation of contracts. Consensus. Pre-contractual agreements
3. 11 March 2025 Interpretation of contracts.
Defects of consent.
Illegality and contradiction to moral standards
4. 18 March 2025 Introduction to tort law. Features of liability in tort. Liability rules.
Plurality of the liable parties. Liability for others
5. 25 March 2025 Introduction to property law. Types of real rights in selected legal
systems. Real security rights. Land registration systems
6. 1 April 2025 Law of succession in comparative perspective
7. 8 April 2025 **Completion of classes (written case study)**

Pursuant to the Dean's Regulation No. 8/2024 of 17 June 2024 on holding the remote and hybrid classes in the academic year 2024/2025, the Comparative Private Law course (both lectures and classes) is held in a **hybrid manner**, that is the meetings are **held in person (on campus)**, and at the same time they are **streamed in real time** via the Microsoft Teams application.

III. Recommended literature

- Gordley J., Jiang H., Mehren A.T. von, *An Introduction to the Comparative Study of Private Law: Readings, Cases, Materials*, Cambridge 2021 (see:
- Zweigert K., Kötz H., *Introduction to Comparative Law*, transl. T. Weir, Oxford 2011
- Cartwright J., *Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer*, Oxford 2023
- Machnikowski P., Balcarczyk J., Drela M., *Contract Law in Poland*, Alphen aan den Rijn 2020
- Cases, Materials and Text on National, Supranational and International Property Law*, eds. S. van Erp, B. Akkermans, Oxford–Portland 2012
- Lodde A., *The European Systems of Real Estate Registration: An Overview*, "Territorio Italia" 2016, No. 1 [[electronic resource](#)]
- Longchamps de Bériér F., *Law of Succession: Roman Legal Framework and Comparative Law Perspective*, Warszawa 2011

Selected supplementary literature

Zeno-Zencovich V., *Comparing Comparative Law*, [in:] *Comparare. Una riflessione fra le discipline*, a cura di G. Resta, A. Somma, V. Zeno-Zencovich, Milan 2020, <http://dx.doi.org/10.2139/ssrn.3601028>

Polska komparatystyka prawa. Prawo obce w doktrynie prawa polskiego, red. A. Wudarski, Warszawa 2016

Tokarczyk R., *Komparatystyka prawnicza*, Warszawa 2008

International Comparative Legal Guides (materials available on the website <https://iclg.com/>, with particular view on product liability and real estate)

Materials prepared within the framework of the project ‘Polish private law’ carried out by the Institute of Legal Studies of Polska Akademia Nauk (PAN, Polish Academy of Sciences) available on the website <http://Polishprivatelaw.pl/> (www.ppl.pan.pl)

Cases, Materials and Text on National, Supranational and International Property Law, eds. S. van Erp, B. Akkermans, Oxford–Portland 2012

Cases, Materials and Text on European Law and Private Law, eds. A. Hartkamp, C. Sieburgh, W. Devroe, Oxford–Portland 2017

Beale H. *et al.*, *Cases, Materials and Text on Contract Law*, Oxford–Portland 2010

Cases, Materials and Text on Consumer Law, eds. H.-W. Micklitz, J. Stuyck, E. Terry, Oxford–Portland 2010

Comparative Contract Law, eds. P.G. Monateri, Cheltenham–Northampton 2017

Comparative Tort Law: Global Perspectives, eds. M. Bussani, A.J. Sebok, Cheltenham–Northampton 2017

Hondius E., *Pro-active Comparative Law: The Case of Nordic Law*, „Scandinavian Studies in Law” 2007, vol. 50: What is Scandinavian Law? 2007, vol. 50, <http://www.scandinavianlaw.se/pdf/50-9.pdf>

IV. Normative acts

Selected provisions of several normative acts will be analysed in a comparative context. These will be indicated in the course of the classes.

As far as the Polish legal system is concerned, reference is going to be made mostly to the Polish Civil Code:

– ustawa z dnia 23 kwietnia 1964 r. – Kodeks cywilny (Dz. U. z 2024 r. poz. 1061, z późn. zm.)

(Act of 23 April 1964 – Civil Code, Journal of Laws 2024 item 1061, as amended)

bilingual edition:

The Civil Code. Kodeks cywilny, tłum. E. Kucharska, weryfikacja językowa M. Le Mauviel, konsultacje prawne G.E. Domański, L. Stępnia, K. Dobkowska, A. Zbiegień-Turzańska, Warszawa 2019.

The following sources, among others, will be also taken into consideration:

- French Civil Code, https://www.justice.gouv.fr/sites/default/files/migrations/textes/art._pix/Translationrevised2018final.pdf;
- German Civil Code, https://www.gesetze-im-internet.de/englisch_bgb/;
- Swiss Code of Obligations (Federal Act on the Amendment of the Swiss Civil Code – Part Five), <https://www.admin.ch/opc/en/classified-compilation/19110009/index.html>.

V. Requirements to complete the course

1. Completion of the classes:
 - attendance (one absence allowed only); active participation in class discussion
 - case study in written form **(in person)**
2. Written exam during the summer examination period (multiple choice test and one essay question)