

PRECONTRACTUAL AGREEMENTS

DOCTORAL THESIS SUMMARY

The objective of the doctoral thesis is to present in detail the issue of the precontractual agreements (agreements preceding the conclusion by the parties of the contract and related to the process of its conclusion) and the influence of these agreements on the legal situation of the parties. The considerations presented in the thesis constitute an attempt to answer to the questions concerning, among others, the legal nature, contents and function of precontractual agreements concluded in the practice of business transactions and consequences resulting from them. The thesis presents the issue of precontractual agreements in Polish law, taking under consideration legal regulations in force, numerous statements of representatives of the doctrine, judicial decisions and expertise of contract practice.

The doctoral thesis presents the general characteristics of precontractual agreements and the detailed analysis of the structure of the letter of intent, the agreement of negotiations, the framework agreement and the preliminary agreement. The essence of the negotiations-based procedure of conclusion of contracts and contractual freedom of the negotiating parties has also been presented against this background. The considerations included in the thesis present also the characteristics of the structure of the precontractual liability for damages and describe the influence of the precontractual agreements concluded by the parties on the possible liability of a contract party for damages caused in relation to the process of conclusion of the contract (liability for *culpa in contrahendo*). The thesis discusses also the issue of liability of contract parties from the failure to perform or the improper performance of the obligations resulting from the agreement of negotiations, of the framework agreement and of the preliminary agreement of weak and strong consequence.

The scope of the considerations is presented in the introduction to the thesis, the choice of the subject matter has been justified, the main theses of this paper and the applied study methods have been stated and the short description of the individual chapters has been provided. Chapter One presents the characteristics of the negotiations-based procedure in contract conclusion and explains the essence and scope of the contractual

freedom of the parties. Chapter Two is dedicated to the subject of precontractual liability or liability for damage caused in relation to the process of conclusion of the contract, indicating its nature, functions, grounds and scope. Chapter Three presents the general characteristics of agreements of precontractual nature, indicating their division into agreements concerning the methods of negotiating, agreements as regards concerning the contents of the contracted agreement and agreements concerning its future fulfilment. Chapter Four includes the detailed review of the precontractual agreements used in the business practice: the letter of intent, the agreement of negotiations, the framework agreement and the preliminary agreement. The contents and functions of the aforementioned types of precontractual agreements and the relations between them are indicated herein. Chapter Five includes considerations concerning legal consequences for the parties bound by a specific precontractual agreement. The impact of conclusion of such an agreement on the scope of contractual freedom of the parties and the nature of liability for damage caused to the party in relation to the process of conclusion of the contract, and other issues are indicated herein. The considerations included in the thesis end with the summary of the conducted studies and the indication of the conclusions that substantiate the theses of the paper.

Keywords: precontractual agreements, conclusion of a contract, negotiations, contractual freedom, precontractual liability, letter of intent, agreement of negotiations, framework agreement, preliminary agreement