



## SUMMARY OF DOCTORAL DISSERTATION

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Dissertation title: **Housing trust account and Property Developer Guarantee Fund as primary protection measures of buyer's rights in the light of New Developers Act**

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On May 20, 2021, the Polish government enacted the Act on the Protection of Rights of Buyers of Residential Premises or Single-Family Houses and the Property Developer Guarantee Fund (hereinafter: **New Developers Act**). The Act aims to provide effective protection for persons buying real estate in the primary market. The legislator primarily intended to eliminate the risks diagnosed in the previous state of the law related to the loss of the buyer's funds paid into a trust account.

Because of the adoption of new solutions into the Polish legal system regarding the protection of buyers' rights, there arose the need to analyze them and verify whether the legislator succeeded in achieving the intended purpose. This dissertation analyzes and evaluates the effectiveness of the New Developers Act's provisions in protecting buyers against the loss of deposits toward the price of residential premises or single-family houses, determining whether there is a need for further legislative action to improve this protection's effectiveness.

For the study of the above, I formulated the following research theses: 1) the protection measure in the form of the Property Developer Guarantee Fund introduced by the provisions of the New Developers Act significantly increased buyers' security, protecting them against the

loss of deposits toward the property; 2) the changes to the operation rules of the housing trust account introduced by the New Developers Act – including the disbursement method and the extension of control obligations of the bank managing the trust account – increased buyers' rights protection; 3) the current provisions of the New Developers Act provide effective protection of the buyer against the loss of deposits toward the price of the bought property.

The dissertation consists of six chapters focused on the object and subject scope of the Act of the New Developers Act, the essence of the housing trust account, the characteristics of an open and closed housing trust account, a new measure to protect buyer's rights in the form of the Property Developers Guarantee Fund, and measures to protect buyer's rights in selected legal systems of European countries.

To analyze the above, I mostly employed the dogmatic-legal research method. As auxiliary methods, I used the comparative method and the economic analysis of law. These allowed me to positively verify the research theses and achieve the intended research goal.

The study presented in the dissertation positively verifies the research theses and realizes the intended research objective. Although I found the changes introduced in the Polish legal order by the New Developers Act as positive, I indicated the areas that require legislative intervention, such as the need to further expand the subject scope of the New Developers Act by introducing a legal definition of "commercial premises" and modifying specific provisions that remain free to interpretation.