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**Summary of the doctoral dissertation entitled:
"Legal situation of the contractor of the construction works contract
in restructuring and bankruptcy proceedings"**

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1. Objectives of the dissertation and the state of research

The primary objective of the research conducted as part of the doctoral dissertation is the issue of the legal status of a construction company as a contractor for construction works in restructuring and bankruptcy proceedings, considered in the context of the legal status shaped in this area of law after 1 January 2016, with the necessary reference to earlier regulations. This is important from the point of view of the dynamics of the evolution of the institution of restructuring and bankruptcy and the mutual relations between them in the Polish legal system, but above all to show the premises - legal, economic, social and finally pragmatic - that guided the legislator to legally separate these two institutions. Against this general background, the intention was to identify and define the legal specificity of the position of the contractor of a construction works contract in restructuring and bankruptcy proceedings. It is not assumed that this position is any particular distinctiveness compared to other companies, but only that resulting from the specificity of the functioning of the construction sector, which is most visible in the genesis of the construction insolvency crisis. The key to resolving the legal situation of the contractor is also to present it in the context of the possibility of securing the entrepreneur through statutory provisions adopted in the Civil Code in the light of the powers of the contractor himself – the debtor or administrator in restructuring proceedings or the trustee in bankruptcy proceedings.

In the intention of the author of the doctoral dissertation, the objectives and scope of research of the presented dissertation may prove helpful in the process of creating law, as well as its application.

2. Considerations contained in the dissertation

The doctoral dissertation consists of an introduction, six chapters devoted to key issues related to the topic of the dissertation, the last of which is a summary and conclusions.

The first chapter of the dissertation covers the most important elements and categories of restructuring and bankruptcy proceedings and explanations of the most important concepts and terms for them. It also indicates the justification for the solutions introduced after 1 January 2016, as well as the position of the doctrine on this issue, taking into account both the arguments in favour of the adequacy of these solutions and those critical of them. The discussed chapter emphasises the goals of stabilising the contractor's situation and restoring its ability to settle its obligations, for the achievement of which conducting restructuring proceedings should be sufficient. A comparative analysis of restructuring and bankruptcy proceedings was also made. In this context, it was noted that in the new legal status, also at the stage of bankruptcy proceedings, it is possible to save the market existence of the enterprise. After declaring its bankruptcy, it is possible for it to enter into an arrangement with creditors and continue its operations in a changed legal form.

The second chapter discusses the legal position of the contractor in a construction contract. First, this chapter analyses the legal basis for shaping this type of agreement, which shapes the obligation relationship between the investor and the contractor, or between the contractor and the subcontractor, and the subject of the obligation relationship. Another issue referred to was the institution of construction law, which is one of the key categories of this area of law. The construction process and the status of the construction contractor as a participant in the investment and construction process in the light of the provisions of construction law were discussed.

Chapter three focuses on the contractor's obligations and rights in the construction contract, together with the issue of the liability of the parties to the contract for failure to meet the contractual terms, resolving disputes between them, focusing primarily on the legal aspect of this issue and securing the rights of the parties in the construction contract.

Chapter four analyses such conditions as problems with financial liquidity, with particular emphasis on the specificity of construction companies, such threats and payment gridlocks. In this context, particular attention was paid to reducing the costs of the restructured company and keeping it in operation, in connection with the possibility of continuing the contracted construction works as part of the restructuring process.

The fifth chapter refers to the rights and obligations of the contractor in connection with the initiation of bankruptcy proceedings against the company. This issue is first presented in a general perspective and then relativized to the specifics of construction companies in bankruptcy. An analysis of the situation of a construction company in a liquidity crisis, which may update the grounds for bankruptcy, is made. Among the main consequences of this crisis, the loss of trust in the construction company by contractors and other participants in the construction market and difficulties in management are indicated. These issues were the starting point for the analysis of the legal situation of a construction company in bankruptcy, emphasizing in connection with the grounds for its bankruptcy that the implementation of bankruptcy proceedings is legally possible only after exhausting all the possibilities included in the restructuring proceedings.

Chapter six recapitulates the previous analyses and considerations and formulates conclusions and generalizations on this basis. Next, *de lege ferenda* postulates are formulated, and at the end of this chapter, recommendations for the practice of restructuring proceedings are presented, aimed at increasing the efficiency of restructuring and bankruptcy proceedings, with particular emphasis on social benefits. The chapter ends with final conclusions, which once again point out that despite favourable changes in restructuring and bankruptcy law, construction companies are still among those most at risk of insolvency.

3. Conclusions

The conducted tests give rise to the deduction, among others the following conclusions from the considerations contained in the hearing:

- Restructuring proceedings should enable the construction company to maintain existing contracts, in whole or in part, and legal instruments used in restructuring proceedings should favor this.
- An indispensable element of the applicable provisions of the restructuring and bankruptcy law is to strengthen the contractor's position in the Civil Code on regulations affecting the situation

(mainly related to remuneration) of the contractor of the contract for construction works, which will translate into assessment of the performance of the contract by the manager or trustee.

- The goals of the normative separation of bankruptcy and restructuring were achieved, as the trend of bankruptcy, unfavorable to economic and social reasons, was at least detained.
- The purpose of restoring the solvency of the debtor was first placed, and the decision of his bankruptcy was considered the last resort.