

1) The main purpose of the research project

The main purpose of the research project is to find the Aristotelian golden mean between the economic freedom and the intervention in that freedom from the supervisory level, by issuing legal regulations which pursue specific public interests. That objective will be achieved by examining the influence of the EU and domestic regulatory bodies on the content of the contractual relations. The hypothesis which will be verified as part of the project is possible to define the common standards of shaping the content of contractual relations by regulatory authorities, while simultaneously ensuring the respecting of the principle of economic freedom. The elaborating of such a standard would allow the identification, on the one hand, of the actions which excessively interfere in the principle of economic freedom, so they should be abandoned, and, on the other hand, of the actions which may be fully identified with the public mission of the regulatory bodies and which may contribute to the realization of the values which should be defended by those institutions. The results of the research would indicate, in other words, in what manner it would be possible to increase the acceptance of the law and the trust of the citizens in the public institutions.

The verification of the aforementioned hypothesis will be possible only after previously finding the answers to four basic research questions: what are the admissible restrictions on economic freedom, what are the legal basis of the interference of the regulatory authorities in the contractual relations between private entities, whether or not the realization of the regulatory objectives constitutes the excessive interference in the principle of economic freedom and to what extent the already applicable provisions enable the introducing of the standardization mechanisms at the domestic and European level?

Answers to the first and second research question will allow to define the legal framework for further research and help answer the third and fourth question. After determining the limits of permissible interference in the principle of economic freedom, the issues related to the third research question will be analyzed. If the answer to this question appears to be positive, then a postulate will be put forward to change the currently applicable law and to revoke several rights of the regulatory institutions to intervene in the relations between private entities. In such a situation, the further shaping of any standards will be inexpedient. If the response to the third question is negative, then it will depend on the response to the fourth question whether among the conclusions from the research project there will be any postulates of legislative actions or whether there will only be proposals of the sets of good practices or other acts of the soft law type. The areas of the law which will fall within the scope of the research project will comprise the matters of the "everyday life", such as, primarily, the law on the competition and consumer protection, the telecommunications law, the energy law, the financial law, the postal law and the railway law. The results of the conducted research will allow confirming or contradicting the aforementioned hypothesis by demonstrating whether there exist any uniform standards and regulatory instruments assigned to all the regulators or whether each sector should be treated separately.

2) The description of the basic research initiated as part of the project

The main research method applied in the project will be the method which is the most often used in the legal sciences, i.e. the formal and dogmatic method. It is based on analyzing the relevant provisions of the law, administrative decisions, judicial decisions and scientific achievements. The research will focus mainly on the law of the European Union and on the associated domestic law. The second research method will be the comparative legal analysis, which will allow us to confront the solutions used in the Polish law with those in the law of other countries which have a similar legal tradition. To some extent also specific research methods will be used - still not very popular in the Polish jurisprudence, although more and more appreciated abroad, especially in the Anglo-Saxon legal sciences - such as, e.g. the method of a theoretical and conceptual analysis, the qualitative method and the empirical method. The planned research will be based on the surveys of the library holdings in the libraries of leading research centres, on consultations with experts, on the analyses of the available legislative acts and on legislative initiatives.

3) The reasons for addressing the subject of the research

The main reason for taking up the aforementioned research subject is the observation that the tendencies to regulate the particular market sectors in greater and greater detail are increasing. The obvious reason for that phenomenon is such that the consequences of the financial crisis of the last decade are still felt and that the crisis itself has revealed many threats. They appear when the state decides to leave too much space for an unrestricted market game. The lesson which should be learned from that event is that the state must not totally abdicate from the role of a supervisor. At the same time, it is necessary to draw a distinct line between the regulated economic freedom and the centrally controlled system.