

Since ancient times, creditors have had problems with dishonest contract partners, who have escaped with their assets in order to avoid making their due payments. This problem has become even more acute with progressing globalisation and the ease of cross-border flows of people and capital. The revocatory action is an instrument intended to protect creditors against asset transfers by debtors to third parties. Its purpose with respect to creditors is to prevent transactions which debtors perform with third parties to bring about these debtors' insolvencies.

Unfortunately, the interpretation of Polish legal regulations on revocatory action consolidated in doctrine does not match present-day realities and does not correspond to practical needs. Pursuant to the binding view, a judgment issued as the result of admitting a revocatory action does not provide any indication of the way in which a creditor might enforce its receivables – this often frustrates enforcement, while creditor's efforts put into time-consuming court proceedings do not bring intended results. In consequence, this low effectiveness of enforcement has encouraged debtors to hide their assets. It has thus become necessary to revise the views of doctrine and case law put forward over the last 30 years and to adapt these to the contemporary challenges of commercial trade.

A further problem is that of asset transfers by debtors to foreign entities. In such situations, the difficulties in pursuing creditor's rights already arise at the stage of determining with which court a case should be instituted: Polish, or foreign? And which law should be applied: Polish, or foreign? Unfortunately, neither Polish law nor EU law contain any regulations in this respect. Given the absence of regulations and the many doubts, creditors are being discouraged from instituting actions and regaining their receivables. It has thus become necessary to provide a study which would treat in detailed terms the manner of action in the event of debtors withdrawing assets to foreign entities beyond Poland's borders. This compendium of knowledge will assist creditors, who should eliminate disloyal contract partners from their commercial relationships, and also facilitate operations of the justice system when assessing these complicated factual situations.

The project is also to involve an analysis of European legislative systems with respect to revocatory claims, because there is no up to date study of this theme in Polish legal writings. The results of this research will be helpful not just for comparing Polish regulations with those of other European countries. They will also be significant when a foreign component arises in such cases and it becomes necessary to apply the law of another state before a Polish court.

The results of this project would be intended to provide comprehensive assistance and a response to the requirements of creditors who have fallen victim to those dishonest debtors who themselves become insolvent through escaping with their assets intact.