

The aim of the project is to evaluate the pro-ecological shift of selected paradigms of the law of obligations with regard to the formation, performance and termination of contracts and liability for damages, using a comparative law method.

In the contemporary era, the ecological crisis represents a significant challenge to the desired growth of our societies, which is colliding with the use of available resources on our planet. Legal instruments play an important role in the process of environmental protection. Private law and its specific branches (property, contract and tort laws) directly impact the environment. Private law is viewed as an appropriate vehicle for the pro-ecological transformation due to its features such as flexibility, adaptability, and ability to regulate and incentivize private behaviors effectively. These features enable private law to address environmental concerns through mechanisms such as property rights, contractual obligations, and tort liability. The project will focus on the analysis of law of obligations in a comparative context: from the conclusion, performance to termination of contract and liability for damages. Law of obligations provides opportunities for a broad context of an evaluation because obligations cover a diverse range of relationships and legal subjects. Contractual provisions significantly, on a micro and macro scale, affect the environment (production, consumption, GHG emissions). However, without explicit environmental considerations, contracts and torts often fail to hold parties accountable for environmental harm. Consequently, it allows businesses to only prioritize profit, leaving ecology aside and promoting unsustainable practices. The traditionally understood principle of autonomy suffers limitations in the context of achieving environmentally favorable goals, hence it becomes necessary to revise traditional private law paradigms so that they can effectively affect sustainability. To date, systemic solutions for law of obligations have not been developed in Europe, but have been adopted in Chinese law. The main question underlying this project concerns the issue of how to shape law of obligations in a way to countermeasure the ecological crises and to safeguard the natural environment and create environmentally sustainable societies?

In European civil codes, the issue of sustainability is not addressed directly. In response to the changing socio-environmental contexts, Europe is updating the hitherto existing law of obligations. This process is beginning to integrate legal doctrine with environmental sciences and the concept of Anthropocene. Legislative changes are visible in the perspective of EU regulatory law, which has been catalyzed by the EU Green Deal. However, the EU approach is largely fragmented. The inspiration and primary reference point for this project is the Chinese Civil Code (CCC) and the Article 9 CCC. This provision represents a solution that is unprecedented. In this context, an analysis of Chinese regulations will highlight the possibilities, challenges, and limitations of introducing ecological solutions into civil codes. The project will allow for an evaluation of Chinese experiences and the potential utility of CCC institutions in relation to pro-ecological concepts. In this context, the Chinese legal system will be treated as a "testing ground" to study innovative, supplementary, and systemic sustainability solutions in private law. The core value of the project can be summarized as follows:

- (1) Identification of new perspectives offered by the exploration of Chinese legal institutions, which can provide inspiration for European legal solutions in respect to the law of obligations;
- (2) Advancement of knowledge on the limitations and opportunities related to ecology in the law of obligations that have arisen in the Chinese legal system;
- (3) Analysis of traditional law of obligations paradigms in perspective of contemporary challenges such as the climate crisis, overuse of resources and unsustainable production.

Basic concept for the study of Chinese law is studying sources in the original language – Chinese. Project is divided to 3 Stages, each of which will address a specific question and, ultimately contribute to the achievement of the project's aim. Stage I aims to analyze Chinese law of obligations with a particular focus on the impact of Article 9 CCC on the contractual obligations and torts. Stage II focuses on the pro-ecological solutions of EU law impacting the law of obligations in selected European countries (Germany, Poland). Stage III seeks to evaluate Stage I and II results. Results will provide if and to what extent the Chinese ecological law of obligations fits within the pro-ecological paradigm shift.

Desired result of Stage I and III is publishing a monography book and participation in a conference. Results of Stage II will be an article published in an internationally recognized law journal. The project will primarily use the formal-dogmatic and functional comparative method. In order to obtain empirical sources in Chinese, English, German and Polish, PI will use open databases (1), subscription databases (2), Chinese databases, (3) conduct queries and (4) obtain necessary literature. For the purpose of this project, research materials, i.e. legal acts, legal cases, scholarly works (books, monographies, articles) are treated as empirical sources.