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Summary of the doctoral thesis

## **Liability for defects in construction works in FIDIC conditions of contract**

The subject of the dissertation is the analysis of liability for physical defects in construction works in a contract concluded on the basis of the 2017 version of the conditions of contract by the International Federation of Consulting Engineers (FIDIC). The study focuses on the analysis of the provisions of the three Books of FIDIC:

- *Conditions of Contract for Construction 2nd Edition* – **Red Book**,
- *Conditions of Contract for Plant & Design-Build 2nd Edition* – **Yellow Book**,
- *Conditions of Contract for EPC Turnkey Projects 2nd Edition* – **Silver Book**.

Liability for defects under the terms of FIDIC has been analysed with particular reference to the tradition of common law from which these terms and conditions originated. The dissertation also refers to the Polish regulation of statutory warranty in relation to construction works, as Polish legislation embodies the continental legal tradition. Notes on Polish legal regulations are presented to highlight the most important features of liability for defects in FIDIC contracts, as well as to show the problems of applying FIDIC in civil law jurisdictions. In addition, the dissertation stresses the issues that a FIDIC user should pay special attention to when constructing a contract based on these contract standards.

The first chapter outlines the most important information about the FIDIC contract terms – the organization that created them, their subsequent editions, as well as most important features. This part also presents an analysis of the legal nature of FIDIC conditions of contract in Polish legislation.

The second chapter is a description of the contractual mechanisms relating to the quality of the Contractor's performance before the Employer takes over the works. This chapter includes information about the Contractor's obligations, as well as the rights available

to the Employer. It outlines the procedure for Tests on Completion, which the Contractor is to perform before the Employer takes over works.

In the third chapter the taking over of works is characterized – prerequisites, procedures and issues related to Taking-Over Certificate. Then Tests after Completion is described. There is also a detailed analysis of the Defects Notification Period as the most important element of the regulation of liability for defects in construction works in FIDIC.

The final, fourth chapter deals with the Polish regulation of the statutory warranty (contractor's liability for physical defects of works in construction contracts) in the Polish Civil Code. It presents its basic features and the main problems arising in its application.

The final remarks present the conclusions of the analysis of liability for defects in the FIDIC conditions and in the regulation of statutory warranty in the Polish Civil Code.

The research used a formal-dogmatic method based on an analysis of the text of the FIDIC contract terms and conditions, as well as jurisprudence and doctrine.