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**MAY THE APPLICATION OF FOREIGN LAW BY A POLISH COURT
BE UNFAIR? SOME REMARKS ON PRIVATE INTERNATIONAL LAW
AND INTERNATIONAL CIVIL PROCEDURE AGAINST
THE BACKGROUND OF THE DECISIONS OF DISTRICT AND CIRCUIT
COURTS IN KIELCE OF 2015 (II CA 1533, II CZ 1784)**

Justice (legitimacy) in private international law has its emanation primarily in the design of public order clause. According to the opinions commonly presented in the literature, there is a well-established principle of „equal treatment of foreign law” in Poland, which means equal treatment of foreign and national legal orders. Therefore, all modifications in this regard must be based on public order clause, which means that both in private international law and international civil procedure the application of the clause is not justified by the fact that there is a contradiction between foreign law and national legal order. It is generally accepted that this institution can be used only if the results of the application of foreign law in a particular case before a court would be contrary to the fundamental principles of Polish law. The clause, therefore, does not act against the content of foreign law but only against the consequences of its use, especially if they are particularly glaring.