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The legal status and tasks of a flood bank union

Summary of the doctoral dissertation

The reason for deliberations undertaken in my doctoral dissertation was the phenomenon of flood resulting in harmful effects both for human health and life, private and public property and public order.

Provisions of the Water Act as of 20 July 2017 and the act on special principles of preparation of investment projects involving erection of flood banks prove that the Polish law perceives the need to ensure protection against floods. Nevertheless, the above-mentioned legal acts clearly do not refer to an entity responsible for the protection nor the role of flood bank unions, i.e. non-public organisational forms that can be created for the purposes of delivery and maintenance of flood banks, including their water infrastructure, in protection against floods.

So far, the status of flood bank unions has not been a significant research problem. The problem was not referred to in monographs or scientific papers nor has it been discussed in comments to the Water Law. Mentions concerning existence of flood bank unions have appeared in comments on articles, in monographs, textbooks and papers and have been treated marginally. In some of the above-mentioned studies, a flood bank union is described as a type of a water law company as distinguished due to the object of activities. What is more, no attempts have been made in the literature on the subject in order to determine a border between activities of public administration authorities and flood bank unions with respect to protection against floods.

The dissertation includes four chapters, an introduction and ending. At the end of each chapter there are conclusions of the deliberations.

Chapter one refers to the notion of a flood bank union and purposes of establishment of the same. It includes deliberations on a water law company, which are to serve substantiation of the thesis assuming that a flood bank union constitutes an entity different

than a water law company. This part of the dissertation includes presented models of organisations with competences of a flood bank union and water law company operating in the territory of Germany, Austria, Hungary, Netherlands and France. In chapter two the author analyses establishment, regime and dissolutions of flood bank unions. In chapter three the author analyses the position of a flood bank union in a specified relation to entities that are members of a flood bank union, water economy entities that are not its members and public administration authorities. The last chapter was to serve drawing a line between activities of public administration authorities and flood bank unions as regards protection against floods. Therefore, the author first referred to the role of public administration authorities and, then, analysed the role of flood bank unions in this respect.

For the purposes of analysis, the author has collected literature and case law relating to the subject as well as literature not related to the subject and case law issued as based on provisions of acts other than the Water Law.

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