

Summary of the doctoral dissertation

“Legal and environmental aspects of extracting minerals covered by the ownership right to a real estate using an open-pit method”

The aim of this paper is to determine whether legal regulations and their application guarantee the proper protection of specific natural elements of the environment against the results of extracting minerals covered by the ownership right to a real estate.

The dissertation consists of six chapters including the introductory one and the summary. In addition, it includes the content list, the list of charts, short forms, maps, diagrams and bibliography. The topic of the elaboration was discussed indicating the rules of environmental protection before mining activity (chapter II), during the activity (III) and after its completion (chapter IV). Extracting minerals without a required concession was also discussed (chapter V).

Referring to particular chapters, it must be indicated that:

1. The first chapter, the introductory one, contains a brief discussion on the history of legal regulations referring to environmental protection in mining, relations between the geological Law and environmental protection, elaboration of basic terminology having no legal definitions but applied in dissertation, pointing the aim and the scope of this paper, the outline of its structure and implemented research methods including all resources used by the author .
2. The second chapter discusses legal and environmental conditions of undertaking a mining activity. In this way, it focuses on defining such questions as the actions which must be taken by an entrepreneur before starting a mining activity, including all necessary decisions and the dependence of the possibility of carrying out a mining activity of extracting minerals on planning documents and existing forms of environmental protection.
3. The third chapter highlights issues of environmental protection related to a mining activity. In this way, it describes basic rules of running a mining plant that influence environmental protection. It mainly concentrates on documents specifying these rules, defines the way an open-pit mining activity affects the environment, explains what the protection of mineral deposits consists in and brings decisions issued by inspection

and supervision authorities in terms of environmental protection. Taking into account the fact that during mining activity very often a damage in natural environment is caused, the third chapter also describes the core of such damages, parts responsible for their cause and repair as well as criminal, civil and administrative liability. The chapter also includes a sub-chapter in which the author analyzes the duties related to environmental protection imposed within specific concession decisions.

4. In the fourth chapter the author focuses on conditions of closing down of a mining plant including among others entrepreneur's obligations towards environmental protection, documentation which defines the process of winding-up a mining plant, the possibility of liquidation of excavations with utilization of wastes and finally on issues of post-mining land rehabilitation. In addition, the author carries out an analysis of obligations related to environmental protection imposed in particular decisions on withdrawal or expiration of a concession and decisions on land rehabilitation and use. The results of an inspection carried out by the District Mining Authority in Poznań was also analyzed in the chapter. The inspection checked the functioning of a mining plant liquidation funds in reference to plants extracting minerals covered by the ownership right to a real estate using an open-pit method.
5. The fifth chapter presents issues connected to an activity of extracting minerals without a concession. The activity is not based on the Polish Mining Group's regulations but, without doubt, strongly influences the environment. In this chapter the core of the problem was described and, above all, the influence of the activity on the environment, basic reasons of starting such activity, premises for qualification of the activity as one which consists in extracting minerals without a concession. The chapter also explains the circumstances of leading an activity of extracting minerals without a concession on the basis of the article 4 of the Polish Mining Group's regulations, the differences between extraction without a concession and extractions with gross violation of a concession, the possibility of extracting minerals basing on entitlements coming from documents other than a concession and finally consequences of finding out by the authorities that the activity is carried out with no required concession. The chapter also contains an analysis of the mining supervision organs action towards stating a higher fee.
6. The sixth chapter is a summary of the information included in the main part of the paper and it refers to complete aims of the elaboration.