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"The legal status of water facilities in the Polish law"

Summary of the doctoral dissertation

My doctoral dissertation deals with the status of water facilities in the Polish law. Water facilities are an instrument for water management and they are defined in the Water Law. They are to ensure the development of water resources and their use. The legislator distinguished examples of water facilities, such as water structures, hydraulic structures, or fish ponds.

One of the reasons for undertaking the study on water facilities is a visible lack of interest in this matter, which can be illustrated by the lack of comprehensive literature devoted to this subject, even though it seems to be crucial. Thanks to conducting scientific research into water facilities, their function can be improved. It should be noted that the legal status of water facilities have become the subject of judicial decisions recently. The significant role of water facilities in satisfying social and economic needs ought to be highlighted as well. In the last few years, they have become an important source of renewable energy, which is particularly applicable to hydropower facilities.

My doctoral dissertation consists of four chapters preceded by the introduction. Aside from the conclusions included at the end of each chapter, their summary can be found at the end of the whole thesis. The first chapter concerns the matters mentioned in the introduction. It presents the legal status of the discussed topics from the time of the Second Polish Republic until now. In this chapter, the problem of water facilities on the basis of the previous legal regulations is presented in order to evaluate the changes that were made, when the new regulations were introduced and discuss the categories of the facilities in question. The concept of "water facilities" was introduced in the Act of 1974. Then, the legal definition of

this notion as well as certain aspects of public water facilities are discussed. Importantly, the latter is linked with the convention work in the second chapter. What is especially important in the second chapter is the analysis of the function of water facilities, namely the formation and use of water resources. In addition, the status of a public-private discussion on the issues related to hydraulic engineering and water permits along with other administrative acts on water equipment are described. Finally, water facilities are examined in relation to the concept of 'public utility'. In the third chapter, private-water facilities are examined, with special emphasis put on the status of water facilities in the Civil Law, which is complex. It is indicated that they can be a property separate from the land. In the fourth chapter, the status of water facilities in the Criminal Law is scrutinized, particularly the existing regulations in this field and offenses related to water facilities. At the end, the summary of proposals formulated in a doctoral dissertation is provided.

My doctoral thesis has been grounded in the applicable laws, especially the provisions of the Water Law, the Civil Code and the Penal Code. Equally important have been the views presented by the doctrine and judicial decisions. The Case Law of both the Supreme Court and administrative courts have been used as well. To some extent, the decisions made by the public administration bodies have also been utilized.