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Summary of the doctoral dissertation

Compensation for damage caused by free-living animals - the civil law and insurance-related aspects

This dissertation presents the issue of compensating for damage caused by free-living animals, considering its multi-faceted character. This is a complex issue in the Polish legal framework, and the dissertation undertakes to analyse it consistently and completely. There is some consideration given to the possibility of a wide group of entities which can bear liability for damage caused by free-living animals, in particular identifying the potential liability of organisational units fulfilling public tasks. Another thesis presented in this work relates to the compensation of such damage on the grounds of insurance relations. The burden of remedy of such damage could be borne and satisfaction of the claims of the injured could take place by insurance compensation, which is currently not so frequently resorted to.

The dissertation exploits the following methods: formal-dogmatic, to a limited extent empirical – interview surveys and questionnaires, requests for information made under the access to the media principle and the legal-comparative one. Numerous conclusions have been drawn by analysing the case law and the views of the doctrine representatives.

There are the following parts of the dissertation: introduction, five Chapters and the summary, compiled in a way to reflect the specificity of the issue under discussion.

The first Chapter introduces the legal status of animals and their classification based on the law and practice. In this light the ownership status of free-living animals appears of importance, also when trying to assign liability for damage caused by them.

The second Chapter of the work describes the characteristic features and extent of damage caused, as well as its significance for particular sectors of economy. This part deals with not only the extent of damage, but also its economic, social and legal impact. To support the findings of the following chapter, the analysis was carried out of damage caused by animals driven by their own instinct, which consequently allows to assume that the damage was done by an animal and not a person. The third Chapter entitled “Liability for damage caused by animals living at large” covers the analysis of the regulations scattered in the Polish legal system. It further describes relevant legal provisions, views of the legal doctrine representatives and the results of the analysis of the case law related to claims for damage caused by free-living animals.

The fourth Chapter of the dissertation comprises the division of the personal scope of liability for damage caused by such animals. This part considers the possible instances of imposing the obligation to compensate and the principles under which it may take place.

The fifth Chapter is divided into eight sections and covers the possibility to remedy the damage under discussion through insurance and its real scope. This part also presents the role of insurance when certain entities undertake their tasks, and compensation for damage in particular economic sectors most commonly exposed to such risks.

The analysis presented leads to the conclusion that the issue of compensating for damage caused by free-living animals has not been regulated in a consistent and clear way. This results in lack of acceptance of such legal solutions in the society. The increasing extent of damage in the economy and to the property and persons gives rise to further successive attempts to be granted compensation. The entities aware of the possible claims for such damage can effectively manage the risk, in particular through taking advantage of insurance policies.