

## Summary of the doctoral dissertation entitled: **Protective zones in Polish water law**

The issue of protective zones of water intake has not been the subject of broader considerations and in-depth analyses in the literature so far. The reasons for this can be found in the fact that this instrument is relatively new, as it was not used legally until the 1950s. Due to changes in the procedure and form of establishing protection zones over the years, they have evolved, which resulted in the legal status of water intake protection being violated.

The purpose of the dissertation is to identify and examine new legal regulations of water intake protection zones in the water law. The basic research problem is to analyze whether the currently introduced legal regulation allows for the implementation of its assumed objectives. The most important of them are: to achieve the highest possible quality of water for human consumption and for plants (which require high-quality water) as well as to protect water resources.

First, it will be analyzed how the currently prevailing definition of water intake protection zones was formulated in the legal system. Then, we will study the definition of the water intake protection zone, and the differences between the water intake protection zone and other legal instruments for water protection, i.e. areas of limited use and areas of protective inland water reservoirs. The next research goal will be to define the normative basis for the establishment and functioning of water intake protection zones. As a result of the previously stated research goals, the effects resulting from the establishment of water intake protection zones will be formulated and the impact of their establishment and functioning will be assessed.

The analysis of the undertaken problem will require to use of the following research methods: the dogmatic-legal method, the comparative method, the historical-legal method and the economic analysis of law.

The main part of the dissertation, based on the analysis of legal texts and case law, will be based on the dogmatic-legal method. The purpose of using this method is to analyze the generally applicable legal regulations of administrative nature and of civil law nature, on the issue of water intake protection zones.

Depending on the type of legal provision being interpreted, the following types of interpretation will be used: linguistic, purposive and functional. The task of linguistic interpretation in this dissertation is to determine the meaning of words, expressions and phrases used in the text of the legal provision, and, in particular, those that are often ambiguous, which is why legal definitions created by the legislator were also used. Purposive interpretation will make it possible to interpret the content of a provision in view of the purpose that the provision



is intended to serve. Functional interpretation will enable determining the effects that, according to the legislator's intention, are the result of the purpose of functioning of protection zones.

The comparative method will play an auxiliary role, encompassing the description and analysis of the German and Czech legal systems. The selection of comparative material will be conducted to present and compare solutions similar to the Polish legal system.

The historical-legal method will be used to support the other methods. It will allow for the analysis of changes in the water law acts that were in force in the past and their development, emphasizing the evolution of water intake protection zones, dividing them or combining them with each other and specifying them.

In a small part of the conducted research, the method of economic analysis of law will be used to examine the social profitability of establishing and using water intake protection zones.

The dissertation consists of an introduction, conclusions and is divided into four chapters. Chapter I of the doctoral dissertation will examine the most important introductory issues in the field of water protection zones. At the very beginning, a brief outline of the legal protection of water in the national legal system will be presented. Then the concept and types of protection zones will be defined. Subsequently, consideration will be given to the goals of water protection and the key principles of water law. The influence of EU law on the introduction of the currently formulated water protection zones in the water law will also be emphasized. In the final part of this chapter, issues related to the subject of instruments similar to protection zones in other legal systems, i.e. Germany and the Czech Republic, will be analyzed.

Chapter II will define the term "legal instrument" and will show what types of these instruments the legislator has provided for in the Water Law Act. As part of the considerations, an analysis of the types of instruments that serve for the legal protection of water will be made. Various premises for the creation of protective zones of water intakes, areas of limited use and protective areas of inland water reservoirs will be indicated.

Chapter III will examine the procedure for creating protective zones of water intakes. Formal and legal problems related to the creation and establishment of protective zones of water intakes will be indicated. The issues of the form and legal nature of the normative act by which protective zones are created will be analyzed. Then, the process of analyzing the risk for a water intake, which is the basis for making a decision on establishing a protective zone of a water intake or abandoning it, will be analyzed. The last part of the chapter will be devoted to



considerations on the elimination and change of the boundaries of already designated water protection zones.

The last IV chapter of this dissertation will analyze the effects of the establishment of protective zones of water intakes. Due to the fact that the establishment of protection zones is simultaneously associated with the introduction of a specific regime in a specific area, their impact on spatial development and the local spatial development plan as well as on property rights and restrictions on the use of real estate will be analyzed. It will be shown that both natural and legal factors can determine the establishment of a protection zone. The considerations will also examine the effects of introducing orders, prohibitions and restrictions resulting from the establishment of water intake protection zones. The last part of this chapter will explore the issue of claims and liability for damages resulting from the introduction of protective solutions in the water intake protection zone.

At the end of the dissertation, a final analysis of the topic will be made in the context of the research theses undertaken.

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