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**Summary of the doctoral dissertation titled**  
**Legal liability for environmental damage caused by gas emissions in German and Polish law**

Today, changes in the global climate that affect the environment and people's living conditions are visible even without sophisticated research methods. It is almost certain that these changes are the result of human activities, primarily greenhouse gas emissions. These changes cause huge losses to the economy, numbering in the hundreds of billions of dollars a year, and lead to the illness or death of hundreds of thousands of people every year.

It is therefore essential to develop new instruments to control human behaviour. In recent years, a whole range of tools have been introduced, using the principles of economics to encourage or discourage specific actions by manipulating costs and benefits, and aimed at forcing more environmentally friendly attitudes. These include emissions trading schemes, such as the EU ETS, in which greenhouse gas emission limits are set top-down and emissions rights are traded on the market. This allows the most cost-effective way to reduce emissions to be found. In addition, they include positive financial tools, such as subsidies and grants for environmental investments, as well as negative ones, such as pollution charges.

Legal systems also need to be updated and adapted - law need to be adapted to new realities, including the increased risk of extreme weather events, rising sea level or changes in ecosystems. Regulatory change must support the transition to sustainable economic models, promoting renewable energy sources, energy efficiency and sustainable agricultural and industrial practices, and the energy and climate transition must take place in an equitable manner, taking into account the needs of different social and economic groups.

The aim of the dissertation was to examine and compare the civil, administrative and criminal law instruments of liability for environmental damage caused by greenhouse gas emissions in the two legal regimes, German and Polish, and to identify those areas where German law can serve as a source of inspiration for reinterpretation or amendment of Polish legislation.

A fundamental issue of liability for environmental damage resulting from greenhouse gas emissions is the understanding of climate change, occurring in recent decades, and its consequences. Therefore, the first chapter of the dissertation presents the basic issues, reflecting the current state of the science with regard to the extent, consequences and causes of climate

change. In particular, an assessment will be made as to how these changes are occurring, and whether their cause is of anthropogenic origin or whether the reasons for these changes are independent of human activity. This is very important, because only by proving that anthropogenic emissions and not natural processes are the cause of global warming can potential plaintiffs justify claims for environmental damage resulting from climate change.

The current and future consequences of climate change were then analysed in the context of the links between climate change and the expected effects in human and natural environments, both at global and local levels within Germany and Poland. In addition, potential groups of victims and the types of damage they may suffer were identified, thus identifying future plaintiffs in environmental damage cases.

The next section of the chapter outlines the evolution of the concept of 'responsibility' from ancient times, including Aristotle's views, to the present day, and examines current definitions of responsibility in the ethical and legal sciences in Germany. The legal issue of liability for environmental damage caused by emissions is then considered, including the identification and examination of the grounds for claims and the scope of protection of legal rights and assets. In addition, the issue of causation in the case of environmental liability is analysed.

Chapter two of the dissertation presents the issues of environmental liability in German law. With regard to civil liability, the tort and neighbourhood law provisions of the German Civil Code (BGB) are analysed, as well as the provisions of special laws, primarily the Federal Immission Control Act, the Environmental Liability Act or the Environmental Damage Act. In the next step, negatory claims as defined in the BGB are presented. In addition, the issue of competition between the provisions of the tort law of environmental liability is described, as well as the issue of liability for forest damage.

The next section of the chapter examines the issue of administrative-legal liability, with the most important piece of legislation being the Environmental Damage Prevention and Remediation Act. This was followed by an examination of the instruments, collectively known as 'direct behavioural control', comprising obligations to provide, endure and desist, as well as indirect behavioural control measures, which include warnings and recommendations and optional controls. In the next step, the obligations of the operator of the installation, as defined in the Act on Protection against Harmful Environmental Impacts from Air Pollution, Noise, Vibration and Similar Processes, and the repressive instruments of the administration, i.e. consecutive injunction, prohibition of operation, closure order, removal order and revocation of

the permit in the case of installations requiring a permit, and order and prohibition of operation in the case of installations not requiring them, were examined.

The third section of the chapter analyses German criminal law in the context of environmental protection in comparison to civil and administrative law, with a particular focus on the principle of administrative accessory.

The third chapter analyses the issue of legal liability for environmental damage resulting from greenhouse gas emissions in Polish law. In the first step, civil liability was examined in the context of the provisions of the Environmental Protection Law and the Civil Code, as well as civil law instruments of environmental protection, covering two groups: those constituting the basis for a negatory claim and those constituting the basis for a compensation claim.

At a further stage, an analysis of liability was carried out, referring to damage caused by a tort under the fault principle of the Civil Code and the Environmental Protection Law, as well as under the strict liability principle, in relation to enterprises or establishments driven by natural forces and enterprises or establishments using or producing explosives, and furthermore civil liability in special laws, such as the Water Law.

The second part of the chapter presents the principles of administrative liability, covering a range of administrative-legal instruments, e.g. sanctioning obliging and withholding decisions, as well as sanctions of a financial-legal nature, e.g. fines, increased fees and product fees.

The next step describes the principles of criminal liability for environmental damage in Polish law, covering regulations from the Penal Code and the Misdemeanours Code, as well as dozens of other non-code legal acts concerning environmental protection in the broad sense.

The fourth chapter contains a comparative legal analysis of the concepts of civil, administrative and criminal liability in the German and Polish legal systems, as well as the conclusions resulting from this analysis.

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