

**Roman Stec, Ph.D.**

**Scientific  
Documentation**

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## **Annex 1**

**The information concerning scientific interests and scientific research achievements of Roman Stec, Ph.D., the lecturer in the Department of Tourism and Recreation of the Institute of Health Sciences of the Faculty of Natural Sciences of Siedlce University of Humanities and Natural Sciences.**

### **1. General information (biography).**

I was born on 26 July 1955 in Brodnica, the Kuyavia-Pomerania voivodeship. After graduating from primary school in Brodnica, I attended to the Mining Vocational School of Coal Mine in Gliwice, from which I graduated in 1973 as an installer of electron systems and industrial automation of underground mining. In 1973 I started the education in the Secondary Technical School of Mechanical and Electrical Engineering in Inowrocław in the profession of electromechanical technician. I graduated from this school in 1976 (secondary school certificate). Through the second half of 1976 and the first half of 1977 I was preparing to entrance exams to the Faculty of Law and Administration of Nicolaus Copernicus University in Torun. After passing entrance exams in the academic year of 1977/1978, I continued my education in the Faculty of Law and Administration of Nicolaus Copernicus University in Torun and after finishing first year, I moved to the Faculty of Law and Administration of the University of Warsaw from which I graduated in 1981 (certificate of completion). I defended my M.A. thesis under the supervision of prof. dr hab. Sylwester Zawadzki in 1983. After graduation, I started to work in the bodies of government administration and through 32 years of service I was working on the different positions including: the head of a department, the deputy of the director of an office and the director of an office. I was working as the official of these bodies till the moment of my retirement which took place in 30 June 2009.

### **2. The history of employment and the achievements in scientific, didactic and professional activity.**

The employment at universities was my additional work, because from the moment of my graduation from the University of Warsaw till 30 June 2009, I was working as the official of bodies of government administration - the bodies subordinate to the Minister in charge of Internal Affairs and the Prime Minister. During 32 years of my employment/service in



government administration, I occupied different positions including the head of a department, the deputy of the director of an office and the head of an organizational unit (the director of an office). In course of my work as an official, I also worked in legal units in the position of a legislator, the head of a legal unit and in legal service etc. As the result of improvement of my professional qualifications, I graduated from the Post Graduate Study of Legislative Issues in the Faculty of Law and Administration of the University of Warsaw. Since 1 July 2009, the employment at universities has been my primary work. Alongside my professional career, since the time of my my studies, I have been interested in matters connected with hunting and nature conservation. After graduation (as well as in the course of my studies), I was in contact with prof. dr hab. Leon Łustacz, the academic of the Faculty of Law and Administration of the University of Warsaw who has inspired me to publish articles connected with legal issues of nature conservation and hunting. Since 1985 first articles in *Las Polski* and *Łowiec Polski* has started to appear. While still a student, I was also encouraged to such an activity by prof. dr hab. Andrzej Stelmachowski with whom I had lectures on agricultural law. Prof. dr hab. Paweł Czechowski also encouraged me to scientific and journalistic activity. It was the beginning of my scientific interests connected with legal issues of nature conservation, hunting and later environment protection. During this period of time, more than fifty articles connected with such matters were published. Then, I began to be interested in other aspects of scientific activity, first and foremost administrative law, agricultural law, European law and civil law. In the years 1994-1995, I was preparing the materials to my first monograph titled: „Prawo łowieckie – omówienie ustawy” which was published in 1996. It was the beginning of my research activity in the framework of my doctoral thesis which I defended on 15 May 2000 in the Institute of Legal and Administrative Sciences in the Faculty of Law and Administration of the University of Warsaw. The Scientific Board of this Institute awarded me with a doctoral degree on 15 May 2000 on the basis of the doctoral thesis titled: „Gospodarka łowiecka a wykonywanie prawa własności” which was published in 2001 by Wydawnictwo Świat under the title „Prawo łowieckie dla leśników i myśliwych”. I prepared my doctoral thesis under the supervision of prof. dr hab. Paweł Czechowski. The reviewers of my doctoral thesis were prof. dr hab. Andrzej Stelmachowski and prof. dr hab. Aleksander Lichorowicz.

After obtaining doctoral degree I took additional employment in public and non-public higher schools:

- 2000-2003 – the University of Ecology and Management in Warsaw in the position of the lecturer;



- 2000-2001 - the Faculty of Forestry Warsaw University of Life Sciences (SGGW) – a contract of mandate,;
- 2001-2003 - Lazarski University School of Commerce and Law in Warsaw– the lecturer;
- 2003-2007 -Warsaw Management University – the lecturer;
- 2007-2008 -Wyższa Szkoła Administracyjno-Społeczna w Warszawie – the lecturer;
- since 1 October 2005 – Siedlce University of Natural Sciences and Humanities, the Faculty of Economic and Legal Sciences, the Institute of Administration, Self-government and Law– lecturer - act of appointment. Since 1 November 2013, the lecturer of the Department of Tourism and Recreation of the Faculty of Natural Sciences of Siedlce University of Natural Sciences and Humanities, - in years 2009-2011 I assumed the duties of the director of the Institute of Administration, Self-government and Law;
- 2008 –2011 - Wyższa Szkoła Bezpieczeństwa i Ochrony w Warszawie – the lecturer – contract of employment;
- since 1 September 2009 - the Faculty of Law and Administration of University of Rzeszów–the lecturer - contract of employment till 30 September 2012. Since 1 October 2012 till 30 September 2013 commission contract of performing a complete task. Since 1 October 2013 till 30 September 2014, fixed term contract on a half time basis - second tenure.

In my didactic activity I teach jurisprudence, administrative law, administrative proceedings, court and administrative proceedings, enforcement proceedings, bodies of legal protection, administrative legislation and principles of law making, environment protection law, European law, European environment protection law as well as civil law. In the universities where I have been employed, I have conducted lectures, workshops, conversation classes, master and bachelor seminars in full-time and part-time studies in the field of law and administration. Since 2000, under my supervision 129 persons, who finished the first cycle studies, have written their B.A. theses and 31 M.A. students, who finished the second cycle studies, have defended their M.A. theses. In the years 2009-2011, I assumed the duties of the director of the Institute of Administration, Self-government and Law of the Faculty of Management of Siedlce University of Natural Sciences and Humanities.

### **3. Scientific interests**

The objects of my scientific interests are: environment protection law, legal aspects of activity of bodies which protect security and public order as well as the administrative polices, administrative law, European administrative law, administrative proceedings, court and



administrative proceedings, water law, forestry law, European environment protection law, hunting law and legal protection of forestry resources in European law. My interests revolve around African hunting law and African nature conservation law as well. I am interested in civil law in the scope of damages caused by game animals and protected animals in agricultural cultivations and crops as well as in forests. My interests also concern the science and the history of administration from the didactic and scientific point of view, international public law as well as international environment protection law. My interests mentioned here formed the basis for the choice of the subject matter of my doctoral thesis. I intended to conduct research concerning the matter of ownership in the Hunting Law. The effects of this are my book publications and several dozens of articles connected with such a matter which were published till 15 May 2000. Later, I have broaden my scientific interests, taking into account the matter of adaptation of Polish hunting law to the law of the European Union. The result of this activity was the doctoral thesis prepared under the supervision of prof. dr hab. Paweł Czechowski and titled „Gospodarka łowiecka a wykonywanie prawa własności” which I defended before the Scientific Board of the Institute of Legal and Administrative Sciences in the Faculty of Law and Administration of the University of Warsaw. In the thesis, I have presented the functioning of legal model of hunting in Italy, the Great Britain and Norway from the comparative law point of view. The doctoral thesis titled „Gospodarka łowiecka a wykonywanie prawa własności” encompasses the analysis of ownership regarding the regulations of the Hunting Law. Ownership has been perceived as the broadest right to possess, to use, to dispose of a thing as well as to derive benefits and incomes from it. In Polish civil law, the notion of ownership is used in strictly material terms. It is, however, unjustified to claim that ownership, including agricultural ownership, is not limited. Limitations of exercise of ownership right in Polish civil law stem from a given statutes, principles of social interaction and even social economic purpose of law. This is the reason why on the basis of agricultural ownership the specific content of this right has been elaborated. The ownership right is valuable for a farmer, since it provides the sense of stabilization, the reliability of legal situation as well as the consciousness of prospective thinking in the scope of managing a land and even the planning of financial future of a family. In Polish civil law, there are statutory regulations which limit the right to agricultural ownership and violate the essence of the ownership right, what was stated by the Constitutional Tribunal in the decision of 10 July 2014. Such a regulation is first and foremost the Hunting Law Act. Polish hunting system is based on following principles:

- the existence of hunting districts;



- acknowledgement of the right to hunt only to the members of the Polish Hunting Association (PZŁ);
- acknowledgement of animals as the property of the State Treasury;
- adherence of the right of hunt to the State Treasury.

Such a system limits the right to agricultural property and violates its essence since a farmer is not authorised to lease his or her property for the purpose of hunting for example. The Hunting Law Act of 13 October 1995 (Journal of Laws No 147, item 714 as amended) has established a system in which hunting districts of land character are leased by the district governor (starost) and hunting districts of forest character are leased by the administration of the State Forests National Forest Holding (the director of the State Forests Regional Directorate). Rights and obligations connected with the exercise of agricultural ownership from the point of view of hunt management have encouraged the author to elaborate the doctoral thesis. The thesis is an attempt to answer following questions: Does a hunt management violate the agricultural ownership right and does it limit such a right? What are legal guarantees for farmers compensating such limitations? Does current organizational and legal model of Polish hunt management, in relation to the future membership in the European Union, refer to the standards which were elaborated in this field? The book consists of chapters which discuss organizational and legal model of hunt management; the right to hunt, tasks of government administration and self-government administration in the scope of hunting; the principles of granting permissions to hunt, tasks of the Polish Hunting Association (PZŁ) in the scope of exercising the ownership right and hunt management; legal basis of creation of hunting districts as well as legal aspects of hunting damages. The aim of the thesis was also to prove that agricultural ownership is the subject of specific protection based on the system of compensations which principles are regulated under Article 46 and subsequent provisions of the Hunting Law Act. It is worth to note that in the literature such a problem has not been discussed. It is complex and leads to conflicts. In practice the conflicts occur between a farmer and a hunter or between a farmer and a lessee or an administrator of a hunting district. The analysis of the problem presented in the thesis proved that even though there is a limitation of agricultural ownership imposed by hunting and hunting economic activity, there are few effective legal measures which protect the interest of a farmer. The chapter devoted to the harmonisation of Polish hunting law with the law of the European Union proves that Polish hunting law is not in the contradiction with the European Union law. The principles on which hunting law of the EU countries is based are also essential element of hunting law in Poland for a long time. These are for example: training system for hunters



which ends with a state examination, linking the right to hunt with the membership in nationwide associations of hunters, popularization of principles of nature conservation and the protection of animals. The examples mentioned above prove that Polish hunting law contains a number of modern legal solutions which aim mainly at the protection of environment in which animals live.

The author of the book made an extensive use of studies of W. Radecki, A. Dzięciołowski, K. Morow, A. Szpunar, P. Czechowski, A. Stelmachowski, M. Korzycka, R. Paczuski and L. Jastrzębski which contain the views of the doctrine concerning legal aspects of hunting, agricultural ownership, nature conservation and environment protection. The analysis of these studies has enabled me to strengthen my knowledge of hunting law and to present the views convergent to those presented by authors mentioned above. After 15 May 2000 my scientific interests are focused mainly on: European law, administrative law, Polish hunting law, hunting law in European countries, environment protection law, civil law and administrative legislation. As the result of such research several monographs has been published. These are for example: „Łowiectwo w prawie polskim i europejskim” Warszawa 2002, „Zasady gospodarki łowieckiej” Warszawa 2002, „Prawo łowieckie dla leśników i myśliwych część I” Warszawa 2001 – reviewers: prof. dr hab. Andrzej Stelmachowski and prof. dr hab. Aleksander Lichorowicz, „Łowiectwo w prawie europejskim” Warszawa 2006 – reviewers: prof. dr hab. Paweł Czechowski and prof. dr hab. Jerzy Paśnik, Jolanta Bucińska, Dorota Strus, Roman Stec (eds.) „Rola samorządu terytorialnego w prawnym systemie ochrony środowiska” – reviewer: prof. dr hab. Marek Chmaj, „Studia nad ustrojownawstwem i administracją” collective work edited by prof. dr hab. Jacek Zieliński Siedlce 2007 – reviewer: prof. dr hab. Andrzej Chodubski, R. Stec (ed.) „Prawne formy działania administracji publicznej” Warszawa 2008 – reviewers: prof. dr hab. Jerzy Paśnik and prof. dr hab. Krzysztof Warchałowski, R. Stec, I. Rosińska, A. Dajnowska „Postępowanie administracyjne i sądownoadministracyjne” Warszawa 2007 – reviewer: prof. dr hab. Krzysztof Warchałowski, „Prawo administracyjne część ogólna” prof. dr hab. Marek Chmaj (ed.) Warszawa 2003 – reviewer: prof. dr hab. Jacek Sobczak – chapter I – R. Stec, R. Stec, „Prawo łowieckie, Wybrane aspekty prawnoporównawczy”, Warszawa 2010 - a book granted by the Ministry of Education; R. Stec, „Postępowanie administracyjne”, Warszawa 2010; R. Stec, „Uprawianie łowiectwa i prowadzenie gospodarki łowieckiej. Uwarunkowania administracyjnoprawne, cywilnoprawne i organizacyjne”, Warszawa 2012; R. Stec, „Straże w służbie ochrony przyrody. Pozycja ustrojowa oraz miejsce w systemie organizacyjno-



prawnym bezpieczeństwa i porządku publicznego”, Warszawa 2014. The list of all publications is included in Annex 3.

**4. General characteristic of the book, "Uprawianie łowiectwa i prowadzenie gospodarki łowieckiej. Uwarunkowania administracyjnoprawne, cywilnoprawne i organizacyjne", published in 2012 and indications for the Polish legislator**

The book titled „Uprawianie łowiectwa i prowadzenie gospodarki łowieckiej. Uwarunkowania administracyjnoprawne, cywilnoprawne i organizacyjne” discusses legal institutions and conditions of hunting and hunt management in Poland in administrative and civil law aspects. In legal literature there has not been any study concerning the matter of hunting from administrative and civil law point of view and indicating that these regulations constitute integral elements of substantive and structural administrative law as well as civil law, although in the Hunting Law there are also regulations of criminal law and public economic law character. These factors have motivated the choice of the subject matter of the book. The system of legal acts containing provisions connected with environment protection, which was formed in the last two decades in Poland, consists of tens of legal acts of statutory and understatutory character. Binding statutory provisions which are connected with environment protection are divided in the doctrine of law for a number of groups, taking into account their content and their significance for the entire legal system as well as their position in such a system. Therefore, there are acts of general and horizontal character which regulate legal institutions important for the whole system of environment protection. These are: Environment Protection Law Act, the Act of 13 April 2007 on Preventing the Environmental Damage and its Redress (Journal of Laws 2007, No 75, item 493 as amended) and the Act of 3 October 2008 on the Environment and its Protection, Participation of the Public in Environmental Protection, and Environmental Impact Assessments (Journal of Laws, No 199, item 1227 as amended). Environmental Protection Law is of the most general character, while other two statutes concern specific issues. The Act of 2008 contains provisions which concern the organization of the apparatus of administration dealing with environment protection issues. The legislator, as is always the case, did not settled in the clear manner the mutual relationship between these statutes, what in practise leads to doubts in interpretation. According to the doctrine, the other group of legal acts consists of sector and complementary provisions. Complementary acts do not refer directly to environment protection, however, they are used to achieve the aims of environment protection. These are first and foremost





regulations such as the Construction Law Act of 7 July 1994 (consolidated text: Journal of Laws of 2010 No 243 item 1623 as amended) and the Spatial Planning and Management Act of 27 March 2003 (Journal of Laws No. 80 item 717 as amended). Sector regulations consist of legal acts concerning the economic use of natural resources: forestry law - the Forest Act, hunting law - the Hunting Law Act, fishery law - the act of 18 April 1985 on Inland Fishery, (consolidated text: Journal of Laws of 2009 No 189, item 1471 as amended), the Act of 25 June 2009 on Organic Farming (Journal of Laws No 116 item 975) and a number of other provisions regulating the principles of the use of the environment and its protection. For the need of this work the provisions of the Hunting Law Act regulating the management of the biosphere resources (game animals) were used. Aside of substantive legal content, the book presents systematic factors connected with the structure and powers of public administration bodies in the scope of hunting as well as non-state actors which execute tasks of public administration connected with hunting. The book undertakes the problem of compliance of the Hunting Law Act with the Constitution of the Republic of Poland. For the need of this study, following methods have been used: dogmatic-legal method, comparative-legal method and historical-legal method. The essence of the dogmatic-legal method is the interpretation of provisions along with the use of content-related and logical-linguistic knowledge. The use of such a method enables to exhaustively determine the powers of public administration entities and non-state administrative agents in the scope of hunting. The dogmatic-legal method has been supplemented with the analysis of judiciary jurisprudence and the jurisprudence of public administration entities. The use of the historical method was also required in the study. The use of such a method enables to become acquainted with legal issue of counteracting to conflicts between owners (holders of farming lands) who have suffered damage and entities that have the right to hunt. The reasons for such conflicts are damages caused by game animals. On the basis of that we can recognize the role of law and the competences of public administration entities in this scope. Such a method seems to be vital for the understanding of features of described legal institutions, their evolution and their current reference. The historical method is always connected with the biographical method which is used first and foremost to expose distinct identity of Polish doctrine of civil law and administrative law by historiographic presentation of these sciences and their doctrinal heritage. The use of the comparative law method was motivated by the endeavour to become acquainted with experiences of different legal fields connected with hunting. The object of comparative studies consists of comparative studies of legal thought, comparative studies of legal norms, comparative studies of legal institutions, comparative studies of fields of law, comparative



studies of legal systems, comparative studies of legal families and comparative studies of types of law. The elements of comparative law are further subdivided. The field of research was limited only to administrative and civil law issues. It concerned proving the need to change Polish hunting law and check whether powers of public administration entities in the scope of hunting are sufficient or should be extended. It also concerned questions whether the right to hunt should be connected with the ownership of a land, whether hunting should be connected, as up to now, with the membership in the Polish Hunting Association (PZŁ) and whether game animals should be the property of the State Treasury or such a regulation should be changed. I have also considered the question whether the system of compensations for damages caused by boars, elks, deer, fallow-deer and roe-deer is effective and if it has any legal flaws as well as whether powers in the scope of hunting should be transferred to non-state agents. The book consists of four chapters. Chapter I titled "The principles of hunt management, economic activity on the basis of provisions of the Hunting Law Act" consists of the analysis of principles of hunt management and economic activity in the scope of hunting as well as administrative and civil law problems of leasing hunting districts. Chapter II titled "Hunting" consists of legal analysis of provisions of the Hunting Law Act and its executive provisions concerning the right to hunt as well as statutory and understatutory provisions regulating the manners of hunting. Chapter III titled "Administrative and civil law issues of hunting damages" undertakes the analysis of legal problem of damages in agricultural cultivations and crops caused by boars, elks, deer, fallow-deer and roe-deer, damages caused during hunting, administrative law aspects of mediation in the hunting law, the cases disenabling the payment of compensation for damages caused by boars, elks, deer, fallow-deer and roe-deer, the liability of the State Treasury for damages caused by animals covered by year-long protection, the conditions of paying compensations for damages caused by boars, elks, deer, fallow-deer and roe-deer as well as by hunters during hunting. In this chapter the examples of insurances against damages caused by game animals were also presented. Such a system has many flaws and requires legal, content-related and organizational changes. Chapter IV "The powers of public administration and Polish Hunting Association (PZŁ) in the scope of hunting" contains analysis of legal regulations granting public administration entities and non-state agents with the powers concerning hunting. The limitation of the object of this thesis to substantive and structural administrative law as well as to civil law aspects does not mean that reflections made in it will not be useful when it comes to solving problems connected with the application of the Hunting Law. The main research problem to which this publication is dedicated is the analysis of legal construction of the Act,



current model of Polish hunting, the compliance of the Hunting Law Act with the Constitution and powers of administrative entities concerning hunting. The scope of the thesis results from such an aim. The author undertook an attempt to present advantages and disadvantages of legal provisions of the Hunting Law Act taking into account non-uniform views of the doctrine on the hunting law, the discussion among hunters concerning the amendments of the Hunting Law Act, press, media and ecological organizations criticism towards hunting and parliamentary discussions about the model of hunting and the need for a change. The matters presented in the book have not been comprehensively elaborated from the administrative and civil law point of view by the legal doctrine. Current studies of the hunting law have mostly commentary character and there are few monographs. The jurisprudence concerning the hunting law issues is sometimes non-unified and there are a number of practical and doctrinal doubts in the scope of the application of the Hunting Law. It seems that the matters undertaken in the book could answer some important current questions which hunters face and become the basis for a broader consideration of legal aspects of hunting in Poland and the model of hunting as well as serve as an impulse for the comparative law studies in the scope of hunting. They should also trigger legislative initiatives aiming at changes in the hunting law if such changes are necessary. Polish legal model of hunting, based on the Hunting Law Act, should be analysed taking into account the position of such regulations in Polish legal system. It should also be considered whether the hunting law is the integral part of environment protection law or independent field of law. In the doctrine there are a number of disputes concerning that matter, but it is acknowledged that environment protection law is complex legal regulation of administrative, civil and criminal character. The argument presented here should be referred to the provisions of the Nature Conservation Act and the Environment Protection Act since according to Article 3 point 39 of the EPA, the environment consists of all natural elements, including those transformed as the result of human activity, in particular: soil, minerals, air, landscape, climate and other elements of bio-diversity as well as mutual interactions between these elements. Article 5 point 16 of the Nature Conservation Act includes the notion of bio-diversity which is understood as "*the diversification of living organisms in ecosystems within the species and between species as well as the diversification of ecosystems*". The presented notion clearly indicates that, according to the Environment Protection Act, animals and plants are the elements of biodiversity and as the result the elements of natural environment. The provisions of the Hunting Law Act and the Forest Act refer the Environment Protection Act, it should be therefore acknowledged that they are a specific part of environment protection law. The scope in which environment protection law



specifies provisions of the Hunting Law Act have been and always will be the issue under discussion of lawyers, foresters, biologists and ecologists since there is a number of views in the doctrine and the perspective of a consensus is rather distant. There are controversies in the doctrine concerning the relation between the Hunting Law Act, forestry law and nature conservation law. Such a research problem, although interesting, falls beyond the scope of this study. The arguments presented here unambiguously indicate that the provisions of the Hunting Law Act are the element of a specific part of environment protection law. They are not distinct fields of law, but they belong to environment protection law. The hunting law is not in contradiction with nature conservation law the forestry law. It should be noted that in the objective terms, game animals and wild animals are the elements of nature and, as the result, the elements of environment. According to Article 1 of the Hunting Law Act "Hunting is the element of natural environment protection and relates to the protection of game animals and the management of their resources in compliance with the principles of ecology and rational agricultural, forestry or fishery management". It can be therefore said that hunting protects game animals, manages their resources and administers their populations. Such a definition is identical to the definition expressed in Article 4(1) in which the legislator defines the notion of hunt management as "the activity in the scope of protection, farming and obtaining of animals". Therefore, the most important element in the provisions of the Hunting Law Act is the protection of animals which is major in the management of their resources. The hunting law understood in this manner uses mostly administrative method of regulation, along with civil (hunting compensations) and criminal (criminal provisions) method. The study is an attempt to answer following questions concerning the matter of the hunting law:

1. Which model of hunting should be applied in Poland?
2. Should hunt management aim at the privatization of powers and tasks from the scope of public administration?
3. Should the right to hunt be connected with the ownership of a land?
4. Does the Hunting Law Act contain effective provisions concerning the liability of entities that conduct hunt management for damages which have occurred during hunting and those caused by game animals?
5. Should hunting be connected with the membership in the Polish Hunting Association (PZŁ)?
6. Should game animals be the property of the State Treasury or should they be no-one's property?



7. Should powers of public administration in the scope of hunting be scattered between government administration bodies, local authorities and non-state actors or they should adhere to government administration bodies?

Since 1989, there have been disputes concerning the model of Polish hunting. They refer to important legal problems connected with the system of hunting itself: should it be the system of hunting districts which functions on the basis of the statute or individual or joint districts (such regulations exist in other European countries for example in Hungary, Slovakia and the Czech Republic), should licence model (which exists in Russia, the USA or Canada) be applied, should the right to hunt be connected with the ownership of a land and classified as a subjective right, should the manners of hunting regulated in the Act be binding, can hunting be practised only and exclusively by the members of the Polish Hunting Association (PZŁ) and should game animals be the property of the State Treasury or should they be no-one's property. The problems mentioned above are under discussions and disputes since 1989 in the course of a struggle for the shape of hunting and they take place now, despite enactment of the Hunting Law Act in 1995. In comparison to the Act on Framing, Protection of Game Animals and the Hunting Law of 17 June 1959, the current Act has not introduced any revolutionary changes in the Polish hunting. The Hunting Law Act of 1995 has maintained the following principles of Polish model of hunting: state ownership of game animals, the existence of uniform nationwide hunting organization, the existence of hunting clubs as basic self-government entities which manage the populations of game animals in cooperation with local authorities and forest districts, guarantee of at least 10 years period of leasing hunting districts for hunting clubs as well as maintaining a minimal area of hunting district at the level of 3000 hectares, which was supposed to ensure content-related and ecological continuity of hunt management and support proper contacts with rural population and local authorities. New solutions in the Hunting Law are: the creation of the State Hunting Guard as uniformed and armed formation subject to the voivode which task is to combat poaching and other hunting harmings, the introduction of greening of hunting as the element of natural environment protection (Article 1 of the Hunting Law Act) and the introduction of protective principles and tools used to conduct hunt management (Article 4(1) of the Hunting Law Act), the strengthening of the financial liability of entities conducting hunting activity for damages which have occurred during hunting and those caused by game animals, the simplification of principles of claiming damages including judicial redress as well as the strengthening of criminal liability for hunting crimes and misdemeanours. Since 1995 the Hunting Law Act has



been amended many times. The major influences over the shape of the Hunting Law have had amendments made since 2002, by following acts:

- 1) The Act on the Direct Election of the Commune Head, Mayor, Town President of 20 June 2002 (Journal of Laws No. 113 item 984 as amended) - the amendment concerned replacing "the Municipal Executive Boards" by indications for "the commune heads, mayors, town presidents";
- 2) the Nature Conservation Act of 16 April 2004 (Journal of Laws No. 92 item 880 as amended) - Article 20(1) of the Hunting Law Act has been amended by the creation of the possibility to hunt in nature reserves. The amendment concerned also Article 50 of the Hunting Law Act in which the principles of the liability for damages caused by game animals protected on the year-long basis have been changed;
- 3) the Act on the Amendment of the Hunting Law Act of 17 June 2004 (Journal of Laws No. 172 item 1802) - among 54 provisions of the Act, excluding transitional and final provisions, 27 have been amended (Articles 4, 5, 8, 9, 12, 15, 23, 26, 28, 29, 30, 32, 32a, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 51, 52), new provisions have been introduced (Articles 29a, 33a, 35a, 38a, 43a, 42b, 42c, 42d, 42e);
- 4) the Act on Regulations Implementing the Act on Freedom of Economic Activity of 2 July 2004 (Journal of Laws No. 173 item 1808 as amended) - Articles 17-22 included in the Chapter 4 titled "Concessions" have been amended, the title of the chapter have been changed into "Economic activity in the scope of hunting", the provisions of Article 43(1) have been amended;
- 5) the Act on Amendment of Some Statutes in Realtion to the Changes in the Division of Tasks and Powers of Local Administration of 29 July 2005 (Journal of Laws No. 175 item 1462 as amended) - 10 regulations of the Hunting Law Act have been amended. The essence of changes was the transfer of powers in the scope of hunting from the voivodes to the voivodeship government (Article 7 introduces the principle that the administration in the scope of hunting is exercised by the voivodeship government as an assignment delegated by government administration; Article 27 introduces the principle concerning the division of the area of the voivodeship into hunting districts which is made by the voivodeship council in an act of local law published in the Official Journal of the Voivodeship, in other provisions the word "voivode" has been replaced by "the board of the voivodeship" or "the head of the voivodship");



- 6) the Act on the Amendment and Repeal of Some Delegations to Issue Executive Acts of 18 October 2006 (Journal of Laws No. 220 item 1600) - the amendment has been introduced in Articles 4 and 42(2) point 3;
- 7) the Act on the Amendment of Some Statutes in Connection with the Membership of the Republic of Poland in the European Union of 24 August 2007 (Journal of Laws No. 176, item 1238) - the notion of "hunting with the use of hunting birds" has been specified;
- 8) the Act on the Amendment of the Nature Conservation Act and Some Other Statutes of 3 October 2008 (Journal of Laws No 201, item 1237) - Articles 9 and 44 of the Hunting Law Act have been changed and Article 44a concerning the catching of predators into restraining traps has been added;
- 9) the Act on the Amendment of Some Statutes in Connection with Changes in Organization and Division of Tasks of Public Administration in the Voivodeship of 23 January 2009 (Journal of Laws No. 92 item 753 as amended) the content of Articles 10, 18, 43, 44, 48 and 50 of the Hunting Law Act has been changed; provisions concerning coding of pure-bred greyhounds and their hybrids have been introduced;
- 10) the Act on the Amendment of Some Statutes Connected with the Execution of tasks by the Police of 2 December 2009 (Journal of Laws No 223, item 1777) - Article 38(1) point 5 of the Hunting Law Act has been repealed;
- 11) the Act on the Limitation of Administrative Barriers for Citizens and Entrepreneurs of 25 March 2011 (Journal of Laws, No. 106, item 622) - Article 17 has been repealed, Articles 22a (1 and 2) and 43 (1) of the Hunting Law Act have been entirely redrafted.

The amendments made in chapter 4 of the Hunting Law Act titled "Economic activity in the scope of hunting" in Article 18 (1-3) facilitate the conduct of economic activity. The amendment imposed the statutory obligation to fulfil following conditions by the entrepreneur who undertake the economic activity consisting of tourist services concerning hunting in the territory of Poland and outside its borders:

- a) establishment of a compulsory securities of financial claims of third parties for non-performance or undue performance of the entrepreneur's obligations;
- b) passing the examination of the knowledge of principles concerning hunting and principles of nature conservation or employment of a person fulfilling conditions mentioned before;
- c) rendering to the competed head of the voivodeship, prior to the end of the previous agreement or blocking of funds on the banking accounts, the original versions of



documents confirming the conclusion of a new agreement or making next blocking of funds.

The condition for conducting the economic activity consisting of tourist services concerning hunting in the territory of Poland and outside its borders is also a clean criminal record for intentional crimes or economic related crimes of the entrepreneur and persons who manage the activity of the enterprise, which is specified in Articles 52 and 53 of the Hunting Law Act. What is more, establishment of securities of financial claims of third parties, which is mentioned in Article 18(1) of the Hunting Law Act, is conducted by the conclusion of agreement on insurance covering liability in case of damages caused in connection with conducting such economic activity or by the conclusion of the agreement of a bank guarantee or an insurance guarantee. The Act allows, in case on the lack of conclusion of agreements mentioned before, for the blocking of funds on banking accounts in favour of the competent voivodeship government in the amount of 4% of the annual income from conducted economic activity in the scope of tourist services concerning hunting in Poland and outside its borders, relating to the business year preceding the year of the conclusion of the agreement, but no less than equivalent amount in zlotys of 20.000 euro according to the exchange rate of the National Bank of Poland from the last day of the month preceding the month in which the blocking of funds took place. The entrepreneur who undertakes the economic activity consisting of tourist services concerning hunting in the territory of Poland and outside its borders is obliged to pass the examination of the knowledge of principles concerning hunting and principles of nature conservation. Such an obligation was imposed on the entrepreneur in Article 18 of the Hunting Law Act. The examination is conducted by the commission appointed by the Minister in charge of the Environment. The Minister in charge of the Environment specifies, by a regulation, the number of member of a commission and their identity. The amendment made by the Act on the Limitation of Administrative Barriers for Citizens and Entrepreneurs of 25 March 2011, changed Article 22a which empowers the head of the voivodeship to issue a decision in the scope of conducted economic activity consisting of tourist services concerning hunting in Poland and outside its borders, if the entrepreneur does not rectify misconducts in the conducted economic activity within the period set by the head of the voivodeship. The Act on the Limitation of Administrative Barriers for Citizens and Entrepreneurs of 25 March 2011 has also amended Article 43(1) concerning hunting conducted by foreigners or Polish citizens who are not members of the Polish Hunting Association (PZŁ) and who are abroad with the intention of a permanent residence or do not fulfil the conditions for hunting specified in Article 24a. They can hunt after purchasing





hunting from the entrepreneur who is mentioned in Article 18 or on the basis of permission issued by the Minister in charge of the Environment. The permission is granted on the basis of application of the Polish Hunting Association (PZŁ) or administrator of a district, if hunting is conducted in the excluded district. Since 1995, the legislator has made a few crucial amendments of the Hunting Law Act. Each of them, in the opinion of the author, has led to greater coherence of the Act. The executive acts to the Hunting Law Act, were also the object of amendments since the amendment of delegating provisions resulted in the change of understatutory provisions. According to the principles of legislative technique, such acts become null and void, unless the legislator leaves them in force for a specified period of time. Such a principle was applied in the Act on Amendment of the Hunting Law Act of 17 June 2004, leaving in force executive provisions, for example those issued on the basis of Articles 5, 15 (4), 43 (2 and 3), until new regulations will be issued. The Hunting Law Act requires amendment of other provisions for example Article 35(3) which refers to the principles of financial management of the Polish Hunting Association (PZŁ) since there are no relevant provisions in the Law of Associations. Such a legislative *lapsus* W. Radecki calls a void norm since there is the lack of relevant provisions in the Act of 7 September 1989 the Law of Associations. The amendment of Article 35a should also be considered. The Hunting Law should exhaustively regulate the measures of supervision of Minister in charge of the Environment over the Polish Hunting Association (PZŁ) not referring to the provisions of the Law of Associations. Current redaction, in the view of the author, is in contradiction with the principles of legislative technique. The change in the redaction of Article 35a in the proposed manner will limit or even eliminate the criticism in this scope. Therefore, it is worth to agree with W. Radecki who claims that Articles 25, 26, 27, 28, 29, 30, 31 and 32 of the Law of Associations can be applied to the supervision over the Polish Hunting Association (PZŁ) and the supervisory body will be the Minister in charge of the Environment. In course of supervision, the Minister in charge of the Environment is entitled to: initiate legal proceeding, issue warning, apply to the court for imposing a fine in case of non compliance with instructions and demand the Polish Hunting Association (PZŁ) to provide a copy of resolutions and to give explanations. The prosecutor, pursuant to Article 29 of the Hunting Law Act is also entitled, in the view of the author, to apply to the Polish Hunting Association (PZŁ) with such requests. It results from the literal redaction of this article. The other view is presented by M. M. Marszał who claims that the court is not in power to dissolve the Polish Hunting Association (PZŁ) which is created on the basis of the statute. From the legal point of view, these arguments are not logical and relevant, what is more they are exaggerated. In his

views, M. M. Marszał does not use legal analysis but highly populist argumentation. In chapter 6 of the Act titled "the Polish Hunting Association" the provisions concerning acquisition of legal personality should be changed. Hunting club should acquire legal personality on the basis of administrative act issued by the Minister in charge of the Environment or other entity designated by the legislator for example the head of the district (starost) or the head of the voivodeship which body would keep the register of hunting clubs. Such a solution would enable to avoid doubts concerning so called hidden legal personality of the Polish Hunting Association (PZŁ) and hunting clubs. The Polish Hunting Association (PZŁ) performs tasks of government administration, therefore all decisions of the bodies of the Association, having exhausted the possibilities of the administrative resort, should be the object of appeal to the administrative courts with exception of hunting damages for which courts of general jurisdiction are competent. The change in the organizational matter of the Polish Hunting Association (PZŁ) concerning the number of districts (49 or 16) should also be considered. 16 districts would be better solution due to savings and content-related scope of activity of the Polish Hunting Association (PZŁ). The principle of conducting hunting only and exclusively by the members of the Polish Hunting Association (PZŁ) also needs consideration. Legal and organizational tradition of Polish hunting has always opted for one organization of hunters, currently such a principle is distorted. There are infringements of the Charter of the Polish Hunting Association (PZŁ), the Hunting Law Act, the Rules of Procedure of the National Conference of Delegates, which practices are tolerated by the Minister in charge of the Environment as the supervisory body over the Polish Hunting Association (PZŁ). The author opts for the amendment of the Act, especially by addition of guarantee provisions for the members of the Association including settling their matters before the court. The author supports current model of hunting in Poland since it is not expensive for the state budget and the state performs legal, organizational and content-related control over entities which deal with hunting. This is why conducting hunting by the members of the Polish Hunting Association (PZŁ) is the well-proven solution which does not infringe the provisions of the Constitution, because the Constitution enables for introduction of such regulations in the statute. After presentations of amendments of the Hunting Law Act in chronological order, it is worth to indicate that in 2005 consolidated text of the Act was published. Referring to the problems presented in this study, to which the author has tried to find solution, it seems that Polish model of hunting should not be the same as in other European countries. In the author's opinion the model of hunting based on the system of hunting districts on the territory of Poland is good. The ownership of animals which are

owned by the State Treasury is effective legal solution and the amount of animals (for example 174.000 of deer, 20.000 of fallow deer, over 200.000 of boars, ok. 800.000 of roe deer, 9500 of elks) indicates that adapted legal solutions are correct. The disputes concerning this matter seem to have populist background and current legal solution established under Article 2 of the Hunting Law Act is the basis of proper control of entities which are involved in hunting and animals' protection. It seems that specific powers in the scope of state ownership of animals, for example control powers, should be delegated to the State Treasury General Prosecutor's Office. The right to hunt and conducting hunting is also the well-proven legal institution and it seems that the proposal to return to the right to hunt as the subjective right connected with the ownership of a land has been alienated from Polish hunting tradition. In this scope the access to hunting should also be broaden not only through granting authorizations to hunt, but also through more resilient activity of the Polish Hunting Association (PZŁ). In the author's opinion legal provisions which regulate this matter are sufficient. The provisions concerning the safety during hunting should be more specified. Granting authorizations to conduct hunting should be done in the form of administrative act, which would be possible to verify in the administrative procedure and after exhaustion of the administrative procedure - in administrative court. Such a principle should refer to all decisions of the Polish Hunting Association (PZŁ) bodies since the Association performs tasks of government administration. New provisions in this scope should be introduced in the Act. This is why on the basis of legal analysis of provisions of the Hunting Law Act, executive acts issued on its basis, the jurisprudence of Polish courts and views of the doctrine, it seems that current legal model of hunting based on: the system of hunting districts, State Treasury's ownership of game animals, conducting hunting as the public right separately from the ownership right to a land, conducting hunting by members of the Polish Hunting Association (PZŁ) or on the basis of permission granted by the Minister in charge of the Environment, compensation for damages caused by game animals in agricultural cultivations and crops paid by entities specified in the Hunting Law Act, the protection of hunting first and foremost by the State Hunting Guard are the well-proven solutions, which are subject to government, sectional and social control. In the opinion of the author, hunting provisions are not in contradiction with the Constitution, what was proven in the study. As it was already noted, such a model should exist, which does not mean that the Hunting Law Act is ideal and does not require any amendments. The Act requires content-related and formal amendments, but they should be introduced in peace through agreement, not in the atmosphere of perpetual disputes as it is the case for last 20 years. Answering the question what model of hunting



should function in Poland, legal, organizational, social and economic aspects should be taken into account. Current model takes into account all aspects mentioned before. It is cheap since the state budget does not sponsor hunting, it is maintained on its own. In this scope the creation of hunting management fund or hunting fund similar to forest fund, which would be supplied by hunting fees (a part of fees for the Polish Hunting Association (PZŁ), fees for examinations and trainings as well as fines and compensations for the infringement of the Hunting Law) should be considered. Such a fund should be placed alongside for example the voivode, the head of the voivodeship or the General Board of the Polish Hunting Association (PZŁ) depending on adapted solutions concerning powers of public administration in the scope of hunting. Such a fund could also be managed and administered by for example the director of Regional Directorate of State Forests. In the scope of powers concerning hunting current *status quo* is preserved, namely municipalities, districts, voivodeships, the voivode, the State Forests National Forest Holding, the Veterinary Inspection, the Polish Hunting Association (PZŁ) and the Minister in charge of the Environment have powers specified by the Act. In author's opinion, what has been indicated in the study, the powers in the scope of hunting should be granted to the voivode or the voivodeship. The author postulates also the limitation of the privatization of powers in the scope of hunting in favour of the Polish Hunting Association (PZŁ). It means that competent bodies of public administration in the scope of hunting would be: the Minister in charge of the Environment, the voivode or the voivodeship, the State Forests National Forest Holding and the Veterinary Inspection. The provisions concerning the activity of the State Hunting Guard should be amended by the addition of guarantee provisions about the possibility to assert rights in court. The State Hunting Guard should be subject to the voivodeship governments unless the solution granting powers in the scope of hunting to the General Director for Environmental Protection and Chief Regional Officers for Environmental Protection will be enacted. In such a case the legislator should assign all statutory powers in scope of hunting to these bodies. In author's opinion, such a solution also requires consideration. The other postulate put forward by the author is to specify by statutory provisions the measures of supervision granted to the Minister in charge of the Environment in the scope of hunting and the measures of supervision over the Polish Hunting Association (PZŁ) since the statement that the Minister exercises supervision over the Polish Hunting Association (PZŁ) on the principles specified in the Law of Associations is controversial, but still in compliance with the Constitution due to the fact that Article 35a of the Hunting Law Act is the reflection of Article 32 (3 and 4) of the Law of Associations. This is the reason why in the author's opinion, the lack of provisions



specifying the supervisory measures of the Minister in charge of the Environment over the Polish Hunting Association (PZŁ) multiplies questions concerning interpretation and the reference to Article 32 of the Law of Associations is a legislative mistake. Supervisory measures over hunting and over the Polish Hunting Association (PZŁ) should therefore be precisely specified in the statute. The financial provisions concerning the activity and the management of financial resources by hunting associations should also be specified since reference to provisions which does not exist in the Law of Associations is unconstitutional. It is also reasonable to amend provisions concerning hunting damages by:

- 1) the introduction of a statutory obligation of the insurance of agricultural cultivation by lessees and administrators of hunting districts;
- 2) the exclusion of lessees and administrators of hunting districts from entitlement to assess damages. Damages should be assessed by professionals, for example from the list of the head of the voivodeship or the Chief Regional Officer for Environmental Protection - lessees and administrators of hunting districts as well as affected farmers would be the parties of such proceedings;
- 3) covering by administrative law provisions proceedings in the scope of damages caused by game animals. Such proceedings would be conducted by municipal governments as a task delegated by for example the voivodeship government. The appeal body for such decisions would be the Self-Government Board of Appeals, the voivode or the Chief Regional Officer for Environmental Protection depending on enacted legal solutions and the legislator's indication of authorized appeal body.

After administrative procedure suit to the appropriate court of general jurisdiction would be possible. Such a procedure concerning hunting damages gives affected farmers, as parties of proceeding, the procedural guarantees specified in the Code of Administrative Procedures. Article 47 (2), which concerns mediatory proceedings regarding the amount of compensation, also requires amendments. In this article it should be specified that mediatory proceeding is conducted on the basis of provisions of the Code of Administrative Proceedings (Articles 114-122 of the CAP). Such a proceeding should be conducted before the head of the voivodeship since the voidoveship government is in the possession of specialised services which are acquainted with the matters of hunting or before the Chief Regional Officer for Environmental Protection. The solution indicated before is also motivated by the need to secure procedural guarantees for affected farmers. Empowerments in the scope of reductive culls and vicarious culls should be granted to the General Director of the State Forests. The problem in this case would be solved without any remaining doubts. Lease of hunting districts



of land character should be done by companies consisting of owners or holders of lands and the profits of the lease should be at the disposal of the companies. Such legal solutions exist in the legislation of European countries for example in Germany, Austria, the Czech Republic and they do not lead to conflicts between lessees of hunting districts and owners or holders of lands. Forest grounds should be leased, as at present, by the General Director of the State Forests. The appointment of one state formation in the scope of nature conservation, forest resources, hunting and fishing on the basis of the Forest Guard, the State Hunting Guard, the State Fishery Guard and the National Park Guard will improve its activity in the content-related, tactical and economic aspect. Unified formation would therefore be more effective. There remains one more problem of so called hidden legal personality of hunting clubs. Current legal solutions specified in Article 33(3) of the Hunting Law Act state that legal personality of hunting clubs is acquired or lost by them on the day of acquisition or loss of their membership in the Polish Hunting Association (PZŁ). Such a practice is anachronistic and leads to a number of doubts and useless discussions. Acknowledgement of legal personality is the competence of courts and such legal solution should be enacted. The Hunting Law Act should define the notion of agricultural cultivation, the notion of hunting harming, the cases in which the cull of stray dogs and cats or other animals is permitted and introduce the obligation to acquire permission for farming and keeping of hunting dogs. It refers especially to the register of such dogs which would be conducted by the head of the voivodeship also in relation to greyhounds and their hybrids. Taking into consideration problems mentioned before it is inevitable to come to conclusion that the Hunting Law Act was enacted before the entry into force of the Constitution of 1997 and one of the reasons why it requires amendments is that it is unconstitutional. All of its amendments lead to incongruence of the Act. The intent of the groups of deputies who encourage and initiate such activities is the preservation of current model of hunting at any cost, avoiding important amendments of the Act, and preservation of current position of the Polish Hunting Association (PZŁ). It is therefore the struggle for the existence of the Polish Hunting Association (PZŁ) and its activists.

A handwritten signature in blue ink, appearing to be 'J. J. J.', is centered below the main text.

**5. General characteristic of the book titled „Straże w służbie ochrony przyrody. Straż Leśna, Łowiecka, Rybacka i Parków Narodowych. Pozycja ustrojowa oraz miejsce w systemie organizacyjno-prawnym bezpieczeństwa i porządku publicznego.”, Wolters Kluwer, 2014; reviewer: prof. dr hab. Zbigniew Cieślak; and indications for the Polish legislator - the habilitation book**

The issue of the administrative police increasingly becomes the object of interest of persons who deal with legal issues connected with public law. There are a few major reasons of such an interest which include the administrative territorial reform which is taking place since 1 January 1999, the enactment of the forest Act of 1991, the Nature Conservation Act of 1991 which was amended in 2004, the Hunting Law Act of 1995 and the Act on Inland Fishery of 1985 which was amended many times. Statutes mentioned before are the basis of the activity of organizational entities such as the Forest Guard, the National Park Guard, the State Fishery Guard and the State Hunting Guard. These are state services which function in the system of administrative entities performing tasks in the scope of security and public order for the needs of the government administration department of the environment. The other elements which are important for such a matter are carried research and discussions in the doctrine concerning decentralisation and deconcentration of powers, personal and material scope of activity of guards, their structure and hierarchical dependence, supervision over guards, control and coordination of their activities as well as the privatization of police functions of a state. The matter of the administrative police in the government administration department of the environment is not undertaken in the doctrine of administrative law. Only few authors deal with it. There are studies of J. Stelmasiak, W. Radecki, R. Stec, J. Jendrośka, E. Ura, St. Pieprzny, Z. Bukowski, A. Lipiński G. Dobrowolski, commentaries to the Nature Conservation Act of J. Sommer, K. Gruszecki, M. Górski, W. Radecki, B. Rakoczy and J. Ciechanowicz-McLean. It is quite a complex matter which is subject to dispersion of legal issues in connection to which the research activity in this field is very limited. The literature in this field consists of partial studies and there are no monographic studies, dissertations or collections of studies. The inspiration to undertake such matters and present them in the form of scientific study resulted from the lack of complex studies concerning the issue of activity of guards as the matter connected with administrative law. Studies which have been published for last 20 years are insufficient since they present the activity of guards in a general and marginal manner, alongside to the mainstream of current legal solutions in this field. It should be therefore noted that the matter of activity of guards (the State Hunting Guard, the Forest



Guard, the State Fishery Guard and the National Park Guard) is not thoroughly analyzed and described in the study of administrative law and since its very beginning triggers a number of doubts and controversies which were the case already at the initial level of designing structural and legal solutions. The legal and content-related knowledge in the field which is the object of the monograph is very narrow and even poor, so to say partial. The doubts mentioned before and lacks in literature confirm the need to doctrinal research of presented matter which is conducted in the framework of the dissertation titled "Straże w służbie ochrony przyrody". My interests in this issue have practical background since my duty as the policeman of the Prevention Department of the General Headquarters of the Police was to exercise supervision over such formations. From 1996 to 2002 I worked in the State Board of National Parks where I exercised supervision over the National Park Guard. My practical experience and marginal interest in this matter have motivated me to undertake this problem from the administrative point of view. To confirm arguments mentioned before it is worth to indicate that the legal status of guards is complicated, the legal regulation of this matter is unclear and scattered between a number of statutory and understatutory acts. It makes this field untransparent and leads to useless discussions. Little has been written about services, inspections and guards in the administrative law literature. It should be emphasized that the matter of services, inspections and guards is innovatory construction of structural administrative law. The concept of services, inspections and guards is an attempt to reconcile hierarchical model and professional sovereignty on which structures of services, inspections and guards has been built with the structural model of public administration which depends on the exercise of general administrative power in the territorial aspect. The issue of guards in the administrative aspect fits in the matter of structures of local public administration which returns from time to time. Therefore, the matter of maintaining proportion between processes of specialization and the scope of integration in bodies of public administration have legal and structural character. In the historical aspect, the tendency towards autonomy in public administration is the derivative of specialization and the need to provide objective organizational resilience and independence in the execution of statutory tasks including application and enforcement of law. Matters connected with administrative law specification of structural position of guards and specific group of administrative entities are important due to methodological and cognitive reasons as well as structural aspects of functions of public administration, public responsibility and the exercise of tasks and powers imposed by the legislator on certain levels of administrative power which affect the quality and efficiency of the execution of such goals. The choice of the subject matter resulted from my interests in the





activity of the administrative police in the government administration department of the environment, as well as from the solicitude for the state of Polish nature and efficiency of legal regulations in this scope. My interests and research-cognitive activities are aimed at legal dogmatic and comparative analysis of these problems, scientific characteristic of guards, theoretical structural model of guards as well as conclusions and postulates of scientific description of guards which stem from the criteria and features being the result of its structure and as the consequence the systematization of legal material. On the basis of such research problem, following research problems have been elaborated: 1. The legal and structural position of guards is specified by factors such as the legislator's acknowledgement of self-governments (territorial communities) interests in the scope of security and public order including natural resources which are subject to specific protection. It has significant influence over first and foremost division of administrative powers from the scope of public administrating and public legal liability. The institutional specific of administrative entities - guards which exercise police powers, gives the basis to indicate that there are administrative polices which are created using the police-military design. These are so called specialised guards which are in hierarchical subordination. On the basis of European standards such entities should be subject to social and civic control of bodies of public administration according to the principle of democratic state ruled by law. 2. Current model of exercising police tasks and powers by guards on the central, regional or local level was shaped as the result of the evolution of legislative processes. It is one of many elements of the system of the protection of security and public order. In this point of view, guards are autonomous structural institution of administrative law with specific name and the content which stem from legal regulations. Statutory task of guards is to protect public goods and to maintain generally desirable states for example resources of animated and unanimated nature due to empowerment to exercise control of compliance with substantive bans and orders of certain behaviour of individuals (natural persons) and institutions. Such bans and orders as well as powers and obligations are specified by statutes. Due to guards' powers to extensive intrusion in the freedoms and rights of persons and citizens, the scope of statutory powers of their officers constitute these entities as special bodies of public administration, what is the result of their competence status. Guards are entities of the voivodeship integrated administration (the State Hunting Guard and the State Fishery Guard), the National Park Guard is subject to the supervision of the Minister in charge of the Environment and Forest Guard is hierarchically subordinate to the General Director of the State Forests. Such entities should be classified as bodies of specialised national operational systems. They remain in vertical and



horizontal relations which affect their legal status. Guards remain in the particular structural specific which distinguishes them from other bodies. Methodological framework of introduced problems which are connected with the activity of guards will be conducted from the structural administrative law point of view and in the matter of powers there will be reference to substantive administrative law. The author intends to avoid interdisciplinarity of considerations which is the reason why the main emphasis was placed on analyses and dogmatic legal research in the scope of legal and administrative sciences. The reflections made in the dissertation will be conducted in theoretical aspect and they will present goals and intends of the Polish legislator in the static manner. The main method in the study was the dogmatic legal method which involves exegesis and interpretation of legal provisions of structural administrative law and substantive administrative law in relation to guards, views of doctrine and the opinions (judgements) of judicature. The author uses also the research method which is often called the problem-descriptive method (the combined method) and in the limited scope comparative law method. Research analyses will be in most cases conducted from the administrative law point of view. On the basis of such consideration the aim of the dissertation appears. It is the legal dogmatic analysis and theoretical legal characteristic of structural law position of guards through the verification of introduced research problems and confirmation of their validity in the course of material considerations made in the book. The analysis of normative materials will determine *de lege lata* conclusions. The studies of source materials concerning guards will serve as the basis for *de lege ferenda* recommendations. The book consists of five chapters. Chapter one titled "Administrative law aspects of the activity of guards, their internal structure, powers and tasks" introduces theoretical implications from the field of administrative law studies concerning the administrative police and contains legal analysis of administrative aspects of the activity of guards and their tasks, guards in the legal system of security and public order, supervision over guards and cooperation of guards with other administrative entities. Chapter two titled "Tasks, powers and the structure of the National Park Guard" describes tasks, powers and the structure of the National Park Guard posts, cooperation of the National Park Guard with the Police and the Police supervision over the National Park Guard. This chapter introduces legal factors connected with nature conservation and the activity of the Nature Protection Guard in the Czech Republic and in the Slovak Republic as well. Chapter three titled "Tasks, powers and the structure of the Forest Guard" presents tasks and the structure of the Forest Guard, powers of its officers, cooperation with the Police, the supervision over the Forest Guard and the protection of forest resources by protective formations in the Czech Republic and in the Slovak Republic. Chapter



four titled "Tasks, powers and the structure of the State Hunting Guard" describes tasks and the structure of the State Hunting Guard, powers of its officers, cooperation with the Police, the supervision over the State Hunting Guard and the activity of hunting guards in the Czech Republic and in the Slovak Republic. Chapter five titled "Tasks, powers and the structure of the State Fishery Guard" presents tasks and the structure of the State Fishery Guard, powers of its officers, cooperation with the Police, the supervision over the State Fishery Guard and the activity of fishery guards in the Czech Republic and in the Slovak Republic. The book takes into account the state of the legislation as at 31 of January 2014.

#### **6. Characteristic of „Komentarz do prawa łowieckiego"., Wolters Kluwer 2014.**

The Commentary to the Hunting Law Act of 13 October 1995 (consolidated text Journal of statutes from 2005 r. No. 127 item 1066 as amended) is an attempt to comment the provisions of the Act and regulations issued on its basis. Undertaking such a task, the authors have presented legal aspects of the matters of hunt management from the point of view different than presented in W. Radecki's studies. It is obvious that every author of a commentary faces the problem connected the choice of a manner of treating provisions of utmost importance for hunting namely whether to comment all them (both universally binding and association regulations) or only the most important ones. However, in the commentary written by B. Rakoczy, R. Stec and A. Woźniak, all provisions of the statute and regulations are commented through the prism of over thirty years of hunting experience of one of the authors as well as the jurisprudence and the views of the doctrine. The basis of the choice was the decision of the Constitutional Tribunal of 6 November 2012 K 21/11, OTK 2012, no 10, item 119 stating that Article 33(6) and Article 34 of the Hunting Law Act are in contradiction with the Constitution of the Republic of Poland. This decision has triggered the work on the draft of the Act amending the Hunting Law Act. Presumably it will also lead to the amendment of the Charter of the Polish Hunting Association (PZŁ), which is incoherent, unclear and remains in contradiction with the Constitution. It will be a difficult task for the Polish Hunting Association (PZŁ) since the last amendment of the Act did not take into account all arguments put forward in the jurisprudence of the Constitutional Tribunal. It refers for example to provisions regulating the cases under which the resumption of disciplinary proceeding can take place which are standards in provisions regulating tort proceeding. Therefore, amended Hunting Law Act has limited the procedural guarantees of the parties of disciplinary proceedings and, as the result, has violated civil rights and liberties of the

members of the Polish Hunting Association (PZŁ) who can be the parties of such proceedings in the scope of the resumption of final judgements of disciplinary courts. The Commentary describes, in a similar manner, the provisions of protective, criminal and structural character as well as those concerning the principles of hunt management, hunting, damages, hunting districts, the Polish Hunting Association (PZŁ) and bodies of public administration competent in the matters of hunting. The Commentary presents not only individual views on commented provisions expressed by the authors, but also refers broadly to the views of the doctrine and the jurisprudence as well as to hunting practice. In the Commentary, there is a number of references to the studies of other authors, which long fragments are used. These include the studies of: W. Radecki, A. Skowron, Z. Zwolak, T. Miller, R. Stec, J. Borkowski, A. Stelmachowski, P. Czechowski, E. Ura and many others. The Commentary does not serve as a competition for the studies of W. Radecki, but refers to them broadly, indicating their role for the everyday hunting activity. The commentary presents the point of view on the Hunting Law different from the one presented in current studies. It was prepared as a quite complex study which will be a supplement in the hunting practice for other specialised publications concerning these matters. The Commentary is addressed to hunters, bodies of public administration, guards of the State Hunting Guard, guards of the National Park Guard, judges, prosecutors, attorneys, legal advisors, forestry administration, the administration of national parks and academics connected with forestry, administrative and legal sciences.

The provisions of Article 48 of the Hunting Law Act should define the notion of agricultural cultivation and agricultural products including processed agricultural products. The redaction of Article 43 of the Hunting Law Act should be changed in a manner enabling a foreigner to hunt in the territory of the Republic of Poland exclusively after purchasing hunting from the entrepreneur who conducts economic activity in the scope of selling huntings in the Republic of Poland and abroad. The legislator should not provide the Minister of the Environment with the power to grant permissions to hunt for foreigners. Article 42d of the Hunting Law Act should be changed and the Act should specify which documents are obligatory during the transport of game animals taken by the hunter after group hunting and individual hunting since current regulations of this matter are insufficient. Such a problem is regulated in unclear and imprecise manner. It should also be specified what documents of acquired game animals should be prepared by the entities which deal with conducting hunt management since current regulations does not regulate such a problem and, in fact, everybody who transport animal carcasses can be accused of theft and poaching. In Article 43 (1a) of the Hunting Law Act it should be unambiguously stated that only during individual

hunting organised for foreign hunters, the presence of a stalker is obligatory and it is stalker's decision whether a hunter can cull a given game animal and if its trophy fulfils the requirements of a selection. Article 42e of the Hunting Law Act should contain the regulation of permission and procedures for transportation of record trophies outside the border for specialised exhibitions. The Act should also regulate: the cases in which the district governor (starost) and the director of the State Forests Regional Directorate are entitled to terminate the agreement on the lease of a hunting district; the cases on the basis of which the Minister in charge of the Environment could dismiss the board of a hunting district and remit the district to another subject. Other powers of the voivodeship government in the scope of hunting, according to the Hunting Law Act, is issuing permissions for livestock farming of game animals, which power is exercised by the head of the voivodeship. The legislator should also impose obligation for hunting clubs to inform the Polish Hunting Association (PZŁ) about revealed cases of poaching. It is also important to introduce provisions regulating the principles of granting aid to wounded animals and the manner of funding such activities as well as regulate the manner of catching game animals in cities and settlements, their transport to the place of expulsion, including regulation appointing the organ which is authorised to grant permissions for such an activity. What is more the Act should contain clear and precise right to track wounded game animals in the area of a national park and a nature reserve and the manner of informing the directorate of a national park or an administrator of a nature reserve about taking actions of tracking wounded animals. The Act should unambiguously indicate the entity obliged to remove the remains of dead animals from build-up areas, public roads and fields since the lack of regulation of such a matter leads to conflicts. The entity which bears the costs of utilization of dead animals should be also indicated. The legislator should also contain the clear notion of illegally gained animals and principles of collecting equivalents for illegally gained animals as well as introduce a new chapter concerning disciplinary proceedings in the Act. It should be also considered if fenced agricultural cultivation and orchards are a part of hunting districts. If the Hunting Law regulated in a clear manner the matters mentioned above, which are of utmost importance for hunt management, the comments of all the provisions of the hunting law would lead to the conclusion that the Act is a complex regulation and the commentary would be an exhaustive study. The problem of Polish huntsmanship is the limitation of the ownership right of owners, holders and administrators of agricultural lands which are leased as hunting districts. Of course the Commentary does not refer to the assessment of organizational and legal model of Polish huntsmanship, but only comments a current regulation and points out problems which should



be amended or regulated. The Commentary is based on the state of the legislation as at 31 March 2014.

#### **7. De lege ferenda conclusions formulated on the basis of jurisprudence of the Constitutional Tribunal and research**

In the light of the jurisprudence of the Constitutional Tribunal and research it is claimed and reminded that the decision of the Constitutional Tribunal's of 10 July 2014 is not the first one in which the Tribunal has found the contradiction of the provisions of the Hunting Law Act with the Constitution. In the decision of the Constitutional Tribunal of 6 November 2012 (K 21/11, OTK ZU no 10/A/2012, item 119), the Tribunal has stated the unconstitutionality of provision which does not guarantee the member of the Polish Hunting Association (PZŁ), against whom the disciplinary sanction other than the loss of membership in the Polish Hunting Association (PZŁ) or a hunting club has been applied, when misconduct and the applied sanction do not have only internal character, the right to appeal to a court. The decision has also indicated for a number of faults in the scope of disciplinary proceedings. Executing this decision, the legislator has introduced new principles of disciplinary liability (see the Act on the amendment of the Hunting law Act of 12 December 2013 Journal of Laws of 2014, item 228.) This decision, similarly to the previous one, proves that the Hunting Law Act, as the statute enacted before the implementation of the Constitution, is not sufficiently applied to its requirements. It should motivate the legislator not to make another fragmentary amendment, but to look for new systematic solutions which would enable for the application of a whole hunting management model and the activity of entities which conduct such a management to current constitutional norms. In this decision the Tribunal neither questioned the procedure of the creation of hunting districts itself nor assessed each individual limitation of the ownership right to real estates placed within the border of hunting districts. The Tribunal has stated that the limitations of the ownership right connected with the inclusion of real estates to a hunting district and introduction of special administrative law regime on their territory and especially the manner of introduction and exercising of some powers in the scope of hunting by administrative bodies and third parties do not apply to the condition of proper protection of the ownership right guaranteed by the Constitution. What is more, the Tribunal has stated that solutions of the Hunting Law Act providing the protection of constitutional value which is environment protection have paternalistic character. Being aware of the difficulty for the legislator to apply the Hunting Law Act to the Constitutional



Tribunal's decision of 10 July 2014 and in the same time avoiding the creation of the gap in law making it impossible to create new hunting districts and to change borders of those already existing, the Tribunal has decided that Article 27 of the Hunting Law Act will be repealed after 18 months of the publication of the decision in the Journal of Laws. It is not the last Tribunal's decision concerning the compliance of the Hunting Law Act with the Constitution. The Constitutional Tribunal will deal with provisions concerning the conduct of hunting, those regulating the problem of compensation for damages caused by game animals, obligatory membership in the Polish Hunting Association (PZŁ), the supervision of the Minister in charge of the Environment over the Polish Hunting Association (PZŁ) and financial provisions concerning financial activity of hunting clubs as well as the structures of the Polish Hunting Association (PZŁ) which encourage, due to the lack of those provisions, maladministration and corruption.



Annex 2

ODPIS

GODŁO PAŃSTWA

RZECZPOSPOLITA POLSKA

UNIwersytet Warszawski

Wydział Prawa i Administracji

**DYPLOM**  
Roman Stanisław Stec

URODZONY DNIA 26 października 1955 R.  
w Brodnicy

NA PODSTAWIE PRZEDSTAWIONEJ ROZPRAWY DOKTORSKIEJ  
POD TYTUŁEM Gospodarka łowiecka a wykonywanie  
prawa własności

ORAZ PO ZŁOŻENIU PRZEPISANYCH EGZAMINÓW UZYSKAŁ  
STOPIEŃ NAUKOWY

DOKTORA

nauk prawnych w zakresie prawa

NADANY UCHWAŁĄ RADY Naukowej Instytutu Nauk  
Prawno-Administracyjnych Uniwersytetu Warszawskiego  
Z DNIA 15 maja 2000 R.

PROMOTOREM W PRZEWODZIE DOKTORSKIM BYŁ  
dr hab. Paweł Czechowski, prof. UW

RECENZENTAMI W PRZEWODZIE DOKTORSKIM BYLI  
prof. dr hab. Aleksander Lichorowicz

prof. dr hab. Andrzej Stelmachowski  
Warszawa, 7 grudnia 2001 R.

DZIEKAN



REKTOR

prof. dr hab. Tadeusz Tomaszewski

prof. dr hab. Piotr Węgleński

NR 7134

UNIWERSYTET WARSZAWSKI  
Dzielnica Rektora i Biura  
Wydział Prawa i Administracji  
P-61 Warszawa



### Annex 3

#### The list of monographs, chapters in collective works and articles in scientific and popular scientific magazines before the defense of the doctoral thesis

1. R. Stec, *Prawo łowieckie, omówienie ustawy z dnia 13 października 1995 r. Prawo łowieckie*, Wydawnictwo Świat Warszawa 1996
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3. R. Stec, *Prawo łowieckie, znowelizowana ustawa Prawo łowieckie wraz z aktami wykonawczymi część II*, Wydawnictwo Świat Warszawa 1997
4. R. Stec, R. Kijanowski, E. Wojdyło, *Alkohol i Alkoholizm. Poradnik dla funkcjonariuszy Policji*, Warszawa 1994, Fundacja im. Stefana Batora i Biuro Prewencji KGP,
5. R. Stec, R. Kijanowski, E. Wojdyło, *Alkohol i Alkoholizm. Poradnik Policjanta*, Fundacja Batorego, Warszawa 1997,
6. R. Stec, A. Komar, J. Lewiński, R. Talik, *Poradnik dla PŚL,SPN, PSR i SL*, Warszawa 1999;

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8. R. Stec, zeszyt 57, *Prywatyzacja w leśnictwie*, Wydawnictwo Świat, Warszawa 1995,
9. R. Stec, zeszyt 64, *Prawne aspekty odszkodowań łowieckich*, Wydawnictwo Świat, Warszawa 1996,
10. R. Stec, wybór, *Podstawowe akty prawne w leśnictwie*, Wydawnictwo Świat, Warszawa 1995

#### Articles – Problemy Alkoholizmu, Prawo i Życie, Przyroda Polska, Parki Narodowe oraz Głos Lasu,

11. R. Stec, *System zapobiegania alkoholizmowi. Oczekiwania i praktyka*, Problemy Alkoholizmu No 1/95;

12. R. Stec, *Zadania policji w świetle obowiązującej ustawy*, Problemy Alkoholizmu No 8 and 9/94;
13. R. Stec, *Prawne aspekty policyjnych doprowadzeń osób nietrzeźwych do wytrzeźwienia*, Problemy Alkoholizmu No 3/95;
14. R. Stec, *Zlepek sprzeczności*, Prawo i Życie from 1990;
15. R. Stec, *Z czym pójdą na łów*, Prawo i Życie from 1991,
16. R. Stec, *Straż Parku Narodowego czuwa*, Parki Narodowe No 2/97;
17. R. Stec, *Straż Parku – rzeczywistość i oczekiwania*, Parki Narodowe No 4/96;
18. R. Stec, *Żubry i co dalej*, Przyroda Polska No 12/1986;
19. R. Stec, *Myślistwo a ochrona przyrody*, Przyroda Polska No 5/1986.

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20. R. Stec, *Metody zwalczania kłusownictwa*, Las Polski No 15-16/1985;
21. R. Stec, *Łowiectwo w świetle reformy gospodarczej*, Las Polski No 2/1986;
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35. R. Stec, *Zadania administracji rządowej i samorządowej w zakresie łowiectwa – 1*, Las Polski No 14/1994;
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40. R. Stec, *Ewolucja pojęć na temat łowiectwa*, Las Polski No 22/1994;
41. R. Stec, *Etyka a łowiectwo*, Las Polski No 24/1994;
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43. R. Stec, *Spór o łowiectwo - 2*, Las Polski No 4/1995;
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45. R. Stec, *Straż Leśna – Rzeczywistość i oczekiwania*, Las Polski No 15-16/1995;
46. R. Stec, *Prawne aspekty weterynaryjnej ochrony zwierząt łownych*, Las Polski No 18/1995;
47. R. Stec, *Przepisy karne w prawie łowieckim*, las Polski No 2, 3 and 4/1996;
48. R. Stec, *Prawne aspekty odszkodowań łowieckich*, Las Polski No 2 and 3/1997;
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6. R. Stec, *Prawo łowieckie wybrane aspekty prawnoporównawcze*, Wydawnictwo Bellona, Aspra Warszawa 2009 – reviewers: prof. dr hab. B. Wierzbowski and prof. dr hab. B. Rakoczy;
7. R. Stec, *Postępowanie Administracyjne. Wybór i opracowanie źródeł.*, Wydawnictwo Aspra – Warszawa 2010 - reviewers: prof. dr hab. J. Paśnik and prof. dr hab. K. Warchałowski.;
8. R. Stec, *Uprawianie łowiectwa i prowadzenie gospodarki łowieckiej. Uwarunkowania administracyjnoprawne, cywilnoprawne i organizacyjne.* Wolters Kluwer Warszawa czerwiec 2012, reviewer: prof. dr hab. M. Górski;
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19. R. Stec, *Postępowanie z hartami i ich mieszkańcami w stosunku do których sądy powszechne orzekły ich przepadek na rzecz Skarbu Państwa*, in: M. Rudnicki, A. Haładyj, K. Sobieraj (eds.) *Europeizacja Prawa Ochrony Środowiska*, KUL Lublin 2011, reviewers: prof. dr hab. S. Wrzosek and prof. dr hab. J. Łukasiewicz;
20. R. Stec, Z. Kapiński, *Problematyka szkód łowieckich w orzecznictwie sądów polskich i Europejskiego Trybunału Sprawiedliwości- wybrane aspekty prawno-porównawcze* in: R. Stec, J. Bucińska, D. Strus (eds.) *Rola Samorządu Terytorialnego W Prawnym Systemie Ochrony Środowiska*, Aspra Warszawa 2008, reviewer: prof. dr hab. M. Chmaj;
21. R. Stec, *Prawo wykonywania polowania w świetle prawa i praktyki* in: J. Bucińska, M. Niedziółka, R. Stec, *Zadania administracji rządowej i samorządowej w zakresie ochrony*

przyrody, gospodarki leśnej, łowieckiej oraz ochrony środowiska, Aspra Warszawa 2009, reviewer: ks. prof. dr hab. K. Warchałowski;

22. R. Stec, *Gospodarka łowiecka a wykonywanie prawa własności* in: E. Szukiel (ed.) *Łowiectwo w badaniach krajowych XX wieku*, IBL, Warszawa 2001.;

23. R. Stec, *Wykonywanie zadań publicznych przez podmioty niepubliczne zakresie łowiectwa na przykładzie działalności stowarzyszeń- PZŁ*, publikacja w monografii in: E. Ura, St. Pieprzny, J. Stelmasiak (eds.) *Ocena modelu prawnego organizacji ochrony środowiska w Polsce i na Słowacji*, Wydawnictwo Uniwersytetu Rzeszowskiego, Rzeszów 2012;

24. R. Stec, *Wykonywanie zadań publicznych zakresu łowiectwa na przykładzie działalności wojewody, Państwowego Gospodarstwa Leśnego Lasy Państwowe, Inspekcji Weterynaryjnej oraz dyrektorów parków narodowych*, in: M. Górski, R. Stec, M. Niedziółka, D. Strus (eds.) *Administracja publiczna a ochrona przyrody, zagadnienia ekonomiczne społeczne i prawne*, wydawnictwo UPH w Siedlcach, Siedlce 2012, reviewer prof. dr hab. Z. Cieślak;

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26. K. Motyka, R. Stec (eds.) *Socjologia Administracji in statu nascendi*, Warszawa 2013;

27. B. Rakoczy, R. Stec, A. Woźniak, *Prawo łowieckie. Komentarz.*, Wolters Kluwer 2014;

28. R. Stec, *Straże w służbie ochrony przyrody*, in: A. Kazimierska-Patryczna, M. Król (eds.) *Problemy wdrażania systemu Natura 2000 w Polsce*, Szczecin-Łódź-Poznań 2013 - reviewer prof. dr hab. M. Górski;

29. R. Stec, *Uwarunkowania Prawne i Organizacyjne Likwidacji Kopalń na przykładzie Kopalń Siarki oraz rekultywacja terenów kopalnianych* in: A. Lipiński, G. Dobrowolski, *Prawne zasady ochrony Środowiska w związku z gospodarowaniem jego zasobami geologicznymi*, Katowice 2014, reviewer: prof.dr hab. L. Zacharko;

30. R. Stec, *Uprawnienia administracji publicznej Ukrainy w zakresie łowiectwa*, in: D. Kijowski (ed.), *Umiejdzynarodawianie działań administracji, będących następstwem procesów globalizacyjnych charakterystycznych dla współczesnego świata*, Białystok Lwów, Rzeszów- it will be published till the end of 2014;

31. R. Stec, entries in *Wielka Encyklopedia Prawa, Łowiectwo/gospodarka łowiecka, Myśliwy, Polowanie, PZŁ, PSŁ*, it will be published till the end of 2014;



32. R. Stec, *Postępowanie dyscyplinarne wobec członków PZŁ na podstawie ustawy Prawo łowieckie*, Wydawnictwo UMK Toruń - chapter in a post-conference book, it will be published till the end of 2014;
33. R. Stec, *Wybrane aspekty polityki Rzeczypospolitej Polskiej w gospodarowaniu populacjami zwierząt łownych*, Wydawnictwo UPH Siedlce, it will be published till the end of 2014;
34. R. Stec, *Samorząd terytorialny. Wybrane aspekty socjologiczno-ustrojowe*, PUG No 8/2014;
35. R. Stec, *Język prawny i prawniczy w legislacji*, PUG No 5 /2014;
36. R. Stec, *Koncesje w prawie łowieckim*, PUG No 9/97;
37. R. Stec, *Prawo wykonywania polowania*, PUG No 10/97;
38. R. Stec, *Model organizacyjno-prawny gospodarki łowieckiej*, PUG No 11/99;
39. R. Stec, *Tworzenie obwodów łowieckich. Podstawy Prawne*, PUG No 10/2000;
40. R. Stec, *Prawne aspekty odszkodowań łowieckich w Polsce i w wybranych krajach europejskich*, Łowiec Polski No 11/2000;
41. R. Stec, *Prawne aspekty odszkodowań łowieckich*, PUG No 10/1996;
42. R. Stec, *Zezwolenia w polskim prawie łowieckim*, Łowiec Polski No 2/2002;
43. R. Stec, *Łowiectwo w krajach Unii Europejskiej – Hiszpania*, Łowiec Polski No 3/2002;
44. R. Stec, *Łowiectwo w krajach Unii Europejskiej: Niemcy i Austria*, Łowiec Polski No 3/2002,
45. R. Stec, *Łowiectwo w krajach Unii Europejskiej – Wielka Brytania*, Łowiec Polski No 6/2002.;
46. R. Stec, *Prawo łowieckie w Republice Włoskiej*, Las Polski No 10/2000;
47. R. Stec, A. Woźniak, *Task Performance By Public Entities In case Of Polish Hunting Association*, in: E. Ura, J. Stelmasiak, St. Pieprzny, *Assessment Of Legal Model Of Environmental Protection in Poland and Slovakia. Posudenie modelu pravnej ochrony zivotego prostredia v Polsku a na Slovensku.*, Kosice 2013, reviewers: M. Bujnakova and A. Romanova.
48. R. Stec, Ł. Ciołek, *Działalność straży przyrodniczych w Polsce, Czechach i na Słowacji oraz ich uprawnienia*, chapter in a post-conference book, it will be published in 2014.
49. R. Stec, *Uwagi o języku prawnym i prawniczym oraz o legislacji*, chapter in a post-conference book, it will be published in 2014.



50. R. Stec, Ł. Ciołek, M. Filipiuk, *Nadzór Policji nad strażami przyrodniczymi (PSŁ, PSR, SL i SPN). Uwarunkowania prawne sprawowanego nadzoru.*, it will be published in 2014.

51. R. Stec, Ł. Ciołek, M. Filipiuk, *Wilkopsy w Polsce. Uwarunkowania prawne ich funkcjonowania w środowisku przyrodniczym oraz ich eliminacji ze środowiska przyrodniczego.*, it will be published in 2014.

52. R. Stec, Ł. Ciołek, M. Filipiuk, *Konflikty społeczne w środowiskach wiejskich, których skutkiem są szkody powodowane przez wilki i ich mieszańce, rysie i niedźwiedzie w stadach zwierząt gospodarskich, a także szkody powodowane przez żubry i bobry w uprawach i płodach rolnych a także w lasach oraz jaka jest rola prawa w łagodzeniu tych konfliktów.*, it will be published in 2014.





## Annex 4

**Books - monographs and chapters in collective studies as well as articles which are scientific achievements of the author, taking into account the fact that practically nobody undertakes problems concerning legal aspects of hunting in Poland and some other European countries from the theoretical and comparative law point of view, which should be assessed. The studies undertake mostly administrative legal matters, protection regulated by sector regulations such as hunting law, forestry law or nature conservation law. The characteristic of the most important monographic and commentary studies is presented in Annex 1 point 4, 5 and 6. Point 7 consists of de lege ferenda conclusions addressed to the Polish legislator which concern the propositions of amendments in the Hunting Law Act. In relation to nature guards amendments in the Forest Act, the Nature Conservation Act, the Inland Fishery Act and the Hunting Law Act are proposed.**

1. R. Stec, *Prawo łowieckie dla leśników i myśliwych część I*, Wydawnictwo Świat, Warszawa 2001, reviewers: prof. dr hab. A. Stelmachowski and prof. dr hab. A. Lichorowicz;
2. R. Stec, *Prawne aspekty gospodarki łowieckiej*, Wydawnictwo C.F. Müller, Warszawa 2002;
3. R. Stec, *Łowiectwo w prawie polskim i europejskim*, Wydawnictwo C.F. Müller, Warszawa 2002;
4. R. Stec, *Łowiectwo w prawie europejskim*, Wydawnictwo Aspra, Warszawa 2006, reviewers: prof. dr hab. P. Czechowski and prof. dr hab. J. Paśnik;
5. R. Stec, *Prawo łowieckie wybrane aspekty prawnoporównawcze*, Wydawnictwo Bellona, Aspra, Warszawa 2009, reviewers: prof. dr hab. B. Wierzbowski and prof. dr hab. B. Rakoczy;
6. R. Stec, *Uprawianie łowiectwa i prowadzenie gospodarki łowieckiej. Uwarunkowania administracyjnoprawne, cywilnoprawne i organizacyjne*, Wolters Kluwer, Warszawa 2012, reviewer: prof. dr hab. M. Górski;
7. R. Stec, *Straże w służbie ochrony przyrody. Straż Leśna, Łowiecka, Rybacka i Parków Narodowych. Pozycja ustrojowa oraz miejsce w systemie organizacyjnoprawnym bezpieczeństwa i porządku publicznego*, Wolters Kluwer, Warszawa 2014; reviewer: prof. dr hab. Z. Cieślak - the habilitation book;



8. R. Stec, *Administracja publiczna i prawo administracyjne*, in the collective study edited by prof. dr hab. Marek Chmaj *Prawo administracyjne: część ogólna*, Wydawnictwo WSHiP im. Ryszarda Łazarskiego, Warszawa 2003, reviewer: prof. dr hab. J. Sobczak;
9. R. Stec (ed.), *Prawne formy działalności administracji publicznej*, Wydawnictwo Aspra, Warszawa 2008, reviewers: prof. dr hab. K. Warchałowski and prof. dr hab. J. Paśnik;
10. R. Stec, J. Bucińska, D. Strus (eds.), *Samorząd terytorialny w Polsce, wybrane zagadnienia ustroju i działalności*, Wydawnictwo Aspra, Warszawa 2009, reviewer: prof. dr hab. S. Fundowicz;
11. R. Stec, *Uprawnienia i zadania administracji publicznej i PZŁ w zakresie gospodarki łowieckiej* in: E. Ura, J. Stelmasiak, St. Pieprzny (eds.) *Człowiek a Środowisko. Aspekty Prawno-Społeczne*, Rzeszów 2010;
12. R. Stec, *Postępowanie z hartami i ich mieszkańcami w stosunku do których sądy powszechne orzekły ich przepadek na rzecz Skarbu Państwa*, in: M. Rudnicki, A. Haładaj, K. Sobieraj (eds.) *Europeizacja Prawa Ochrony Środowiska*, KUL, Lublin 2011, reviewers: prof. dr hab. S. Wrzosek and prof. dr hab. J. Łukasiewicz;
13. R. Stec, *Prawo wykonywania polowania w świetle prawa i praktyki* in: J. Bucińska, M. Niedziółka, R. Stec, *Zadania administracji rządowej i samorządowej w zakresie ochrony przyrody, gospodarki leśnej, łowieckiej oraz ochrony środowiska*, Aspra, Warszawa 2009, reviewer: ks. prof. dr hab. K. Warchałowski;
14. R. Stec, *Wykonywanie zadań publicznych przez podmioty niepubliczne w zakresie łowiectwa na przykładzie działalności stowarzyszeń- PZŁ*, in the monograph edited by E. Ura, St. Pieprzny and J. Stelmasiak titled: *Ocena modelu prawnego organizacji ochrony środowiska w Polsce i na Słowacji*, Wydawnictwo Uniwersytet Rzeszowski, Rzeszów 2012;
15. R. Stec, *Wykonywanie zadań publicznych zakresu łowiectwa na przykładzie działalności wojewody, Państwowego Gospodarstwa Leśnego Lasy Państwowe, Inspekcji Weterynaryjnej oraz dyrektorów parków narodowych* in: M. Górski, R. Stec, M. Niedziółka, D. Strus (eds.), *Administracja publiczna a ochrona przyrody, zagadnienia ekonomiczne społeczne i prawne*, Wydawnictwo UPH, Siedlce 2012, reviewer: prof. dr hab. Z. Cieślak;
16. R. Stec, *Problematyka szkód powodowanych przez zwierzęta łowne i prawnie chronione*, in: M. Górski, R. Stec, M. Niedziółka, D. Strus (eds.), *Administracja publiczna a ochrona przyrody. Zagadnienia ekonomiczne, społeczne i prawne*, Wydawnictwo UPH, Siedlce 2012, reviewer: prof. dr hab. Z. Cieślak;
17. K. Motyka, R. Stec (eds.) *Socjologia Administracji in statu nascendi*, Warszawa 2013, reviewer: dr hab. M. Jędrzejko;



18. B. Rakoczy, R. Stec, A. Woźniak, *Prawo łowieckie. Komentarz.*, Wolters Kluwer, Warszawa 2014;
19. R. Stec, *Straże w służbie ochrony przyrody*, in: A. Kazimierska-Patrzyzna, M. Król (eds.) *Problemy wdrażania systemu Natura 2000 w Polsce*, Szczecin-Łódź-Poznań 2013, reviewer: prof. dr hab. M. Górski;
20. R. Stec, *Uwarunkowania Prawne i Organizacyjne Likwidacji Kopalń na przykładzie Kopalń Siarki oraz rekultywacja terenów kopalnianych* in: G. Dobrowolski, G. Radecki (eds.), *Prawna regulacja geologii i górnictwa w Polsce w Czechach i na Słowacji. Wybrane zagadnienia*, Katowice 2014;
21. R. Stec, *Samorząd terytorialny. Wybrane aspekty socjologiczno-ustrojowe*, PUG No 8/2014 ,
22. R. Stec, *Język prawny i prawniczy w legislacji*, PUG No 5 /2014;
23. R. Stec, *Koncesje w prawie łowieckim*, PUG No 9/97;
24. R. Stec, *Prawo wykonywania polowania*, PUG No 10/97;
25. R. Stec, *Model organizacyjno-prawny gospodarki łowieckiej*, PUG No 11/99;
26. R. Stec, *Tworzenie obwodów łowieckich. Podstawy Prawne*, PUG No 10/2000;
27. R. Stec, *Prawne aspekty odszkodowań łowieckich w Polsce i w wybranych krajach europejskich*, Łowiec Polski No 11/2000;
28. R. Stec, *Prawne aspekty odszkodowań łowieckich*, PUG No 10/1996;
29. R. Stec, *Zezwolenia w polskim prawie łowieckim*, Łowiec Polski No 2/2002,
30. R. Stec, *Łowiectwo w krajach Unii Europejskiej – Hiszpania*, Łowiec Polski No 3/2002,
31. R. Stec, *Łowiectwo w krajach Unii Europejskiej: Niemcy i Austria*, Łowiec Polski No 3/2002,
32. R. Stec, *Łowiectwo w krajach Unii Europejskiej – Wielka Brytania*, Łowiec Polski No 6/2002.;
33. R. Stec, *Prawo łowieckie w Republice Włoskiej*, Las Polski No 10/2000;
34. R. Stec, *Postępowanie Administracyjne. Wybór i opracowanie źródeł.*, Wydawnictwo Aspra – Warszawa 2010 - reviewers: prof. dr hab. J.Paśnik and prof. dr hab. K.Warchałowski.;



## **Annex 5**

### **The information about the promoter and the reviewers of the doctoral thesis**

The promoter of my doctoral thesis was prof. dr hab. Paweł Czechowski - the head of the Department of Agricultural Law and the System of Food Protection in the Faculty of Law and Administration of the University of Warsaw. The reviewers of my doctoral thesis were prof. dr hab. Andrzej Stelmachowski, the Faculty of Law and Administration of the University of Warsaw and prof. dr hab. Aleksander Lichorowicz the Faculty of Law and Administration of the Jagiellonian University.



## Annex 6

### The information about employment at universities and the current place of employment

- 2000 - 2003 - the University of Ecology and Management in Warsaw in the position of the lecturer;
- 2000 - 2001 - thr Faculty of Forestry Warsaw University of Life Sciences (SGGW) – a contract of mandate,;
- 2001 - 2003 - Lazarski University School of Commerce and Law in Warsaw – the lecturer;
- 2003 - 2007 - Warsaw Management University – the lecturer;
- 2007 - 2008 - Wyższa Szkoła Administracyjno-Społeczna w Warszawie – the lecturer;
- 2005 - Siedlce University of Natural Sciences and Humanities, the Faculty of Management, the Institute of Administration, Self-government and Law - the lecturer - act of appointment and since 1 November 2014,the Faculty of Natural Sciences of Siedlce University of Natural Sciences and Humanities,
- 2008 - 2011 Wyższa Szkoła Bezpieczeństwa i Ochrony w Warszawie – the lecturer – contract of employment;
- 2010 - 30 September 2014 -the Faculty of Law and Administration of University of Rzeszów - the lecturer - contract of employment.



## Annex 7

### The participation in major scientific conferences

- 1) September 2008, Siedlce, Rola samorządu terytorialnego w prawnym systemie ochrony środowiska;
- 2) May 2010, Chlewiska, Administracja publiczna, człowiek a ochrona środowiska-zagadnienia społeczno-prawne;
- 3) October 2010, Chlewiska, Socjologia Administracji- In statu nascendi;
- 4) June 2001, IBL Warszawa, Łowiectwo w badaniach krajowych w XX wieku;
- 5) May 2011, Lublin, Zjazd Katedr Prawa Ochrony Środowiska. Dekada harmonizacji w prawie ochrony środowiska;
- 6) September 2010, Iwonicz – Rzeszów, Człowiek a Środowisko. Aspekty prawno-społeczne;
- 7) September 2011, Paryż, Teoria Instytucji Prawa Administracyjnego, Conference dedicated to Professor Jerzy Stefan Langrod;
- 8) October 2012, Urszulin, Administracja Publiczna a ochrona przyrody-zagadnienia ekonomiczne, społeczne i prawne;
- 9) May 2012, Iwonicz-Koszyce, Ocena prawa ochrony środowiska w Polsce i na Słowacji;
- 10) April 2012, Kraków, Wpływ przemian cywilizacyjnych na administrację i prawo administracyjne;
- 11) September 2013, Korczyce, XIV Polish-Czech-Slovak Conference titled "Prawne zasady ochrony Środowiska w związku z gospodarowaniem jego zasobami geologicznymi";
- 12) April 2013, Szczecin, Problemy wdrażania systemu natura 2000 w Polsce;
- 13) June 2013, Lwów, Umiędzynarodawianie działań administracji, będących następstwem procesów globalizacyjnych charakterystycznych dla współczesnego świata;
- 14) June 2014, Gdańsk-Karlskrona, Organizacja administracji publicznej z perspektywy powierzonych jej zadań;
- 15) May 2014, Toruń, Zjazd Katedr Prawa Ochrony Środowiska - Prawne aspekty gospodarowania zasobami środowiska;
- 16) May 2014, Siedlce, Wokół języka i prawa. Fakty dawne i współczesne;
- 17) September 2014, Karkonosze, XV Polish-Czech-Slovak Conference titled: "Aktualne kwestie prawa ochrony środowiska w Republice Czeskiej, Polsce i na Słowacji.

## Annex 8

**Communication No 17 from the Minister of Science and Higher Education of 27 July 2010 on funds granted for the activity supporting research in 2009 (the Official Journal of the Ministry of Science and Higher Education of 1 December 2010) -16800 zlotys of co-funding of publication titled "Prawo Łowieckie. Wybrane aspekty prawnoporównawcze", Bellona, Warszawa 2009**



## **Annex 9**

### **The supervision of B.A. theses and M.A. Theses**

Since 1 October 2000 - the day of my employment at universities - I was the promoter of 31 M.A. theses (12 persons at the University of Ecology and Management in Warsaw and 19 persons at the Siedlce University of Natural Sciences and Humanities). Under my supervision 38 persons at the Siedlce University of Natural Sciences and Humanities and 60 persons at the Warsaw Management University has written their B.A. theses. In total, I was the promoter of 129 B.A. and M.A. Theses.





## Annex 10

**The information about some studies of Roman Stec used by other authors (these are only chosen examples - there are much more of them)**

- 1) J. Ciechanowicz- McLean (ed.), *Polskie prawo ochrony przyrody*, Warszawa 2006;
- 2) J. Ciechanowicz –McLean, *Prawo i polityka ochrony środowiska*, Warszawa 2008;
- 3) B. Rakoczy, *Ciężar dowodu w polskim prawie ochrony środowiska*, Warszawa 2010;
- 4) B. Rakoczy, glosa do uchwały SN z dnia 7.12. 2008, Z.12, POZ.136, *Przegląd prawa Ochrony Środowiska*, 1/2011;
- 5) W. Radecki (ed.), *Instytucje Prawa Ochrony Środowiska*, Warszawa 2010,
- 6) W. Radecki, *Prawo łowieckie. Komentarz*, Warszawa 2005,
- 7) W. Radecki, *Prawo łowieckie. Komentarz*, Warszawa 2007,
- 8) W. Radecki, *Prawo łowieckie. Komentarz*, Warszawa 2008,
- 9) W. Radecki, *Prawo łowieckie. Komentarz*, Warszawa 2010,
- 10) W. Radecki, *Prawo łowieckie. Komentarz*, Warszawa 2012,
- 11) W. Radecki, *Prawo łowieckie. Komentarz*, Warszawa 2014;
- 12) M. Tabernaacka, R. Raszevska-Skałicka (eds.), *Plaszczyzny konfliktów w administracji publicznej*, Warszawa 2010,
- 13) F. NuBlein, *Łowiectwo*, Łódź 2007,
- 14) M. Goetel, *Sytuacja zwierząt w prawie cywilnym*, Wolters Kluwer 2013;
- 15) Encyklopedia Leśna Warszawa 2014, Division: Hunting R. Stec, *Prawo łowieckie., Historia i teraźniejszość.*, Warszawa 1998 was used;
- 16) M. Górski (ed.), *Prawo ochrony różnorodności biologicznej*, Warszawa 2013,
- 17) Z. Bukowski, E., K. Czech, K. Karpus, B. Rakoczy, *Prawo Ochrony Środowiska. Komentarz*, Warszawa 2013;
- 18) J. Stochlak, M. Podolak, *Ochrona środowiska w Polsce: studium prawno-politologiczne*, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, 2006 p.447;
- 19) J. Gospodarek, *Prawo turystyczne w zarysie*, Oficyna Wydawnicza Branta, 2003, p.323;
- 20) M. Bitner, *Pochodne instrumenty finansowe w zarządzaniu długiem publicznym jednostek samorządu terytorialnego*, Samorząd Terytorialny 2009 no 4 p. 44-54 ;
- 21) P. Kubiński, *Działalność gospodarcza w zakresie ochrony osób i mienia i jej koncesjonowanie*, Wolters Kluwer Polska, 2008, p.126;
- 22) M. Micińska-Brojek, *Łowiectwo. Aspekt humanitaro-prawny*. Poznań 2014;

- 23) M. Flis, Z. Galicki, *Złamanie kończyny u sarny – opis*, Życie Weterynaryjne 2013;
- 24) B. Pawłowska, I. Seredocha, *Wybrane metody doskonalenia usług publicznych*, Prace Naukowe AJD w Częstochowie, 2012, z.VI;
- 25) M. Chudzicka-Popek, *Uwarunkowania prawne w zakresie zarządzania populacjami zwierząt łownych*, Ochrona Środowiska i Zasobów Naturalnych, No 49/2011;
- 26) M. Pyrciak, *Własność w łowiectwie*, magazine - Własność - idea, instytucje, ochrona, Wrocław 2009;
- 27) B. Rakoczy, R. Stec, A. Woźniak, *Prawo łowieckie. Komentarz*, Warszawa 2014;
- 28) Resolution of the Council of the Regional Chamber of Auditors in Poznań No 19/1349/2012 of 30.10.2012, The Official Journal of Greater Poland Voivodeship, item 5863 of 7.12.2012;
- 29) M. Kościelniak-Marszał, *Łowiecki język prawny*, Investigationes Linguisticae Vol. XXVIII, 2013;
- 30) Resolution of the Supreme Court of 20 June 2012 r. I KZP 4/12 – the system of Legal information LEX OMEGA;
- 31) Decision of the Constitutional Tribunal of 10 July 2014 with justification, P 19/13, The Journal of laws of 21 July 2014, item. 951;
- 32) Encyklopedia Leśna, [www.encyklopedialesna.pl](http://www.encyklopedialesna.pl);
- 34) Judgment of the Administrative Court in Olsztyn, IISA/OI 377/14 with a justification;
- 35) Judgment of the Administrative Court in Olsztyn, II SAB/OI53/14 with a justification;
- 36) Judgment of the Administrative Court in Lublin, IISAB/Lu 51/14 with a justification;
- 37) Decision of the Administrative Court in Lublin, SG. II SA/Lu 1004/13, with a justification;
- 38) Judgment of the Administrative Court in Warsaw, IISAB/Wa632/13 with a justification;

