

Abstract

This doctoral dissertation consists of an interdisciplinary work, because it covers matters on the overlapping geological activity and legal aspects of geological and mining law, administrative law, and civil law. All of them covers a number of matters related to geology. When carrying out scientific research in that topic, it is crucial to diagnose the most important problems in geological administration and to propose the best possible solutions to improve functioning of the system.

One of the most important elements of the doctoral dissertation is to explain the functioning of geological administration and its organs. There are 3 geological administration bodies (levels) in Poland. The geological administration tasks are performed by governmental and local government bodies. The geological administration tasks are performed by authorities that do not have to perform these tasks independently. Persons performing the function of geological administration authorities should use the help of specialized employees reporting directly to the heads of these authorities. The Geological and Mining Law introduces the obligation, to create such workplaces in the offices that support these authorities, nevertheless many local governments still do not consume their statutory obligations. The biggest shortcomings, of the current legal regulations, include the fact that geological administration authorities do not cooperate with each other regardless of the level. Moreover, the Geological and Mining Law does not regulate requirements regarding basic qualifications for persons performing even the most important functions in geological administration especially the Chief National Geologist. There is also no substantive support of any organ for the local geological administration. Consequently, beside many other consequences, Poland still has a big problem with illegal exploitation, and experienced workers and modern equipment are often lacking in the local geological administration. This is also due to the under-financing of the regional and local geological administration and improper allocations of revenues from geological and mining activities to local government units.

This doctoral dissertation also describes the competence of geological administration authorities, in particular the ambiguities related to the application of the provisions contained in the Code of Administrative Procedure. The provisions regulating the tasks and competences of the geological administration authorities, which are regulated in the geological and mining law and other legal acts, were also described. Among several rather unfortunate provisions one seem to be rather ineffective for geological activity – namely Local Government Appeal

Colleges institution, which usually do not recognize professional details regarding geological activity. This results sometimes with significant economic troubles. Some measures have been proposed.

Owing to the above, before starting to describe the proposed amendment to the law, some selected European legislation has been reviewed in this thesis. The following countries were selected for my analysis: Germany, Austria, Switzerland, Portugal, Czech Republic and Norway. The analysis of the legal systems of those countries provided many interesting legal solutions and have shown various approaches to the management of mineral deposits, which were taken into account in the further part of this doctoral dissertation when formulating the proposed postulates addressed to the Polish legislator.

The final part of my thesis includes amendments to the Geological and Mining Law. Some of the proposed solutions are minor changes that might clarify provisions (e.g. local jurisdiction). In turn, some of the proposed solutions should lead to significant changes, such as on shifting powers between government and local government administration bodies and creating new bodies.

An important conclusion from this dissertation is that the geological administration reform should consist in strengthening the role of specialists who actually perform geological administration tasks on behalf of the authority through, in particular by specifying their position in the structures of organs, substantive professional support and making the geological administration structure more flexible. Particularly important for Polish geology was the need to strengthen the cooperation of individual geological administration bodies and more effective implementation of its tasks on a national scale. The author hopes that the proposed solutions will be used in the course of work on the geological administration reform.

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