

Doctoral dissertation - abstract

Effectiveness of legal protection of bees in Poland

The aim of the dissertation has been an analysis of effectiveness of legal protection of bees in Poland from the viewpoint of legal dogmatics. Substantive law and procedural law regulations concerning protection of honeybees and wild bees were analysed. Further, the organisational structure and rules for proceeding for public administration responsible for bee protection were inspected. The fundamental objective of the work has been the identification of legislation concerning bee protection, both the general and detailed solutions. It was necessary for the subsequent assessment of the effectiveness of legal protection.

For the analysis from the viewpoint of legal dogmatics, currently binding regulations on bee protection within the Polish legal system have been grouped and systematised, so that a consistent body of research material has been created. Thus, the theoretical separation of institutions for legal protection of bees in Poland has been conducted. The functionality of these institutions, i.e. its effectiveness in achieving the premeditated objective, is a conditioning factor for the effectiveness of legal bee protection and at the same time its measuring factor.

For the maintenance of biodiversity of bees, the resource ought to be covered by effective legal protection. With such an underlying assumption of the dissertation, the author has formulated three initial research hypotheses. Firstly, the effectiveness of legal protection of bees is decided by procedural law regulations that govern the application of material law regulations. Secondly, material law concerning bee protection provides foundation for the protection. Even considering the shortcomings of the protection, one may notice a positive trend in rulemaking as a response to occurring threats, for instance certain pesticides. Thirdly, procedural law does not fulfill its subsidiary and institutional function towards material law, and thus does not guarantee compliance.

The dissertation has been organised into the introduction, seven chapters and conclusion. The content is organised parabolically. The initial chapters are namely explanations of introductory provisions, the following ones - proof of the proposition, and the final ones serve as field for conclusions and their practical applications.

The origin and development of legal bee protection in Poland is related to beekeeping law. Hence, the first chapter analyses beekeeping law regulations concerning bee protection included in beekeeping codes. The second chapter addresses the question of the basis on which bees may be treated as goods protected by law. It interprets the legal status of animals and establishes the legal status of bees. Necessary terminology has been explained, and the legal classification of the swarm and its components has been done. The third chapter concerns bee protection in the European Union law. Since 2004, the European law serves as the basis for most of legislative measures for bee protection in Poland. In Poland's legal framework, bee protection is stipulated by both general provisions (*leges generales*) and detailed provisions (*leges speciales*). The dissertation has preserved the division. The general protection of honey bees and wild bees is presented in chapter four. There are no *expressis verbis* general provisions concerning bees, therefore the existing law has been interpreted in the context of this subject. Further, detailed regulations protecting bees are analysed in chapter five. They either refer directly to honey bees or to the category of livestock with consideration for the specifics, environmental role and economic importance of this species. When analysing the effectiveness of Polish legal bee protection, the tasks and competences of public administration bodies ought to be systematised. Here, the division was made into public agricultural administration occupied with honey bee protection and into nature conservation bodies that protect wild bees. The analysis is included in chapter six. The following chapter offers a comparison of legal institutions for bee protection in selected European countries. It is based on a comparative analysis of beekeeping acts of Denmark, Italy, Spain and Ukraine. The legal and comparative analysis is the starting point for proposals for a Polish beekeeping act and its assumptions.

The dissertation ends with conclusions and proposals *de lege ferenda*. Works on a beekeeping act are postulated in order for it to become a future legal measure of integration and coordination of bee protection. Actions in favour of bee protection ought to be interlined and coordinated as a whole which is more than the sum of its parts.