

## Description for the general public

From the anthropocentric perspective, “*the natural environment*” – understood as encompassing the whole of natural goods existing within the living space of humans, both inanimate (including land, minerals, water and air) and animate (vegetation and the animal world), constitutes “the common good” of all people in the sense that it conditions the existence of humans on the earth. Thus, can be reasonably assume, that every human behaviour causing danger or violation of the state or the quality of the environment is also a threat or violation of individual and/or collective right to the use of the environment. Hence, using the environment and disposing of its resources has been subjected to legal regulation (currently applicable is the so-called environment law) aimed to protect the environment in compliance with the requirements of “sustainable development” and in consideration of *inter alia* the preventive and precautionary principles on the one hand, and the principle of liability for damage and the principle of joint bearing the costs on the other.

As a result of this assumption has been formulated scientific objective of the project as reconstruction of the meaning of the term “causal link” as a condition of liability in the environment law, taking into account the specific characteristics and principles governing the environment law. The analysis will focus on the problem of “causal link” as a condition of liability in the environment law within procedures ending in a decision or a court’s ruling. The research will be based on the assumption that the only procedures to be taken into account are those which exhibit certain differences stemming from the specific need of environment protection. The differences refer both to the administrative and the court procedure. As regards administrative procedures, these will be proceedings instigated in relation to an entity’s liability for environmental damage as either preventive proceedings, i.e. aiming to prevent the occurrence of damage in the environment, or remedy proceedings, i.e. aiming to restore the environment to its previous condition. As regards court procedures, it must be noted that the legislator focuses not so much on creation of procedural distinctions in private law liability in relation to the need to protect the environment as on modifying the conditions of civil liability.

Such definition of the research objective is also substantiated by the fact that liability-related legal measures regulated by environmental provisions are aimed primarily to protect the public interest and the environment as “common good”. Although the subject matter of “financial liability for environmental damage” is *prima facie* associated with civil legal liability, the analysis of provisions regulating the grounds of “administrative legal liability for environmental damage” demonstrates that this liability type should be viewed as a *sui generis* “public legal type of economic liability.” The regulations related to administrative legal liability for “environmental damage” share two common characteristics – one is treating environmental resources as “common (shared) goods” rather than as resources exclusively subject to individual appropriation and the other is enabling actions really removing a hazard or repairing “the environmental damage”.

The problem of “causal link” is of great theoretical and practical importance as it is related to the fundamental rules of bearing (administrative and civil) liability in environment law. In fact, “causal link,” being one of the conditions of legal liability, leads directly to the realisation of a given entity’s rights or obligations. It is therefore of great significance also from the point of view of protection of the rights and freedoms of individuals, the right to court, protection of ownership rights or the constitutional principle of proportionality. The state of research in this respect induces attempts to find and solve problems related to “causal link” in the area of public or even private law. In this context, undertaking research on this issue in the field of environment law must be seen as legitimate and well grounded. The result of the research will be reconstruction of the meaning of “causal link” in environmental legal regulations, taking into account the specific features and principles of environment law, and definition of the unique features of this condition of liability.