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Gloss to the judgement of the Provincial Administrative Court in Warsaw of 10 March 2020, I SA/Wa 1930/19, LEX no. 3043478. The concept of ‘Property left beyond the borders of the Republic of Poland’

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Abstract

In the Polish Act of 8 July 2005 on the exercise of the right to compensation for real property left beyond the present borders of the Republic of Poland, there is no clear definition of the date that should be taken into account for the purpose of determining whether one meets the premise of being the holder of the ownership title to the left real property. Moreover, judicial practice also lacks a uniform answer to the question whether such owner of the real property left beyond the borders should provide the proof of title to that property as at the date of the outbreak of the Second World War, i.e. on 1 September 1939, or as at the exact date of departing from that territory.

In the commented judgement, the court found that persons who were not the holders of the ownership title to the property as at 1 September 1939, but who later became property owners and, at the same time, met the other statutory conditions, are entitled to the Bug River compensation.

Keywords: ownership, real property left beyond the borders of the Republic of Poland, property located beyond the Bug River, the Bug River Act

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Głosa do wyroku Wojewódzkiego Sądu Administracyjnego w Warszawie z dnia 10 marca 2020 r., I SA/Wa 1930/19, LEX nr 3043478. Pojęcie „właściciela nieruchomości pozostawionych”

Streszczenie

W ustawie z 8 lipca 2005 r. o realizacji prawa do rekompensaty z tytułu pozostawienia nieruchomości poza obecnymi granicami Rzeczypospolitej Polskiej nie ma jednoznacznego określenia terminu, który należy uwzględnić w przypadku ustalenia spełnienia wymogu bycia właścicielem nieruchomości pozostawionej. Również w orzecznictwie brakuje jednolitej odpowiedzi na pytanie, czy właściciel nieruchomości pozostawionej winien wykazać się tytułem własności do tejże nieruchomości z datą wybuchu wojny, tj. 1 września 1939 r., czy dokładnie z dniem opuszczenia tego terytorium.

W głosowanym orzeczeniu sąd uznał, że osoby, które nie były właścicielami nieruchomości 1 września 1939 r., lecz stały się nimi później i jednocześnie spełniły pozostałe przesłanki ustawowe, mają prawo do rekompensaty zabużańskiej.

Słowa kluczowe: własność, nieruchomości pozostawione, mienie zabużańskie, ustawa zabużańska

Actual Condition

W.G. on the date of the outbreak of the Second World War in 1939 was the owner of the building plot located in former Eastern Provinces of the Second Polish Republic. In November 1939 he was arrested, and in August 1940 he was sentenced to 8 years of prison for secret service activities for Polish counter-intelligence services. He died in 1941. He did not repatriate to the territory of the Polish State within its post-war borders. Upon the death of W.G., his wife and children became the owners of the building plot.

In May 1990, S.G. applied to the Head of the Geodesy and Land Management Department of the Municipal Office for the registration of the request concerning the settlement of property left by her parents in the former territories of Poland, and then the request was submitted according to the jurisdiction to the Province Governor². In the course of the proceedings the following persons entered into the rights of the original requester: I.M., T.G., M.P., R.L., M.L., M.B., Z.T., A.M. and M.K.

In May 2019, the Province Governor refused the requesters the confirmation of the right to compensation for the real property left by W.G. beyond the present borders of the Republic of Poland as the person indicated in the request as the owner of the left real property had never come back to the present territory of the Republic of Poland. The Province Governor decided that as the former owner of the real property had not fulfilled premises specified in the Act, his legal successors could not acquire the right to compensation.

All parties appealed against the Province Governor's decision.

In July 2019, the second instance authority – the Minister of Internal Affairs and Administration upheld the Province Governor's decision. The Minister, referring to justifications of judgements of the Supreme Administrative Court indicating that one of premises fulfilling the requirements of the Bug River Scheme Act is the ownership title to the real property valid on 1 September 1939 stated that 'there is no evidence that the wife and children of W.G. upon the outbreak of the Second World War were the owners of the real property [in question – AKL]'. And since for obtaining the confirmation of the right to compensation the owner of the left real property had to fulfil the condition of repatriation to the post-war territory of Poland, which in the case of W.G. did not occur, this circumstance was crucial for the assessment of the acquirement by the requesters (his heirs) of the right to compensation on the basis of the inheritance. If the former owner did not fulfil premises from Article 2 in connection with Article 1 of the Act, their heirs cannot acquire the right to compensation. The requesters lodged a complaint against the decision of the Minister of Internal Affairs and Administration to the Provincial Administrative Court in Warsaw. The complainants requested that the complaint be upheld and the contested decision be fully repealed. They claimed that the decision violated the substantive law,

² The change occurred in connection with taking over by province governors existing competences in the scope of the confirmation of rights to the so-called Bug River compensation. By 2001 these rights were confirmed in the form of a certificate of the head of the district office, as of 15 September 2001 – in the form of a decision of the head of the district, while as of 30 January 2004, i.e. the entry into force of the so-called first Bug River Scheme Act (the Polish Act of 12 December 2003 on setting off the value of the property left beyond the present borders of the Polish State against the sale price of property or the right of perpetual usufruct held by the State Treasury, Journal of Laws of 2004, no. 6, item 39; hereinafter referred to as the first Bug River Scheme Act) – it was performed by the province governor by means of a decision. The competences of province governors to issue the decision on the confirmation of the right to compensation were maintained by the currently applicable act.

which had a significant impact on the result of the case through the violation of Article 2 in connection with Article 1 of the Bug River Scheme Act by misinterpretation consisting in the assumption that only former owners of real properties left on the Eastern Borderlands who were their owners on a specific date, i.e. on 1 September 1939, were entitled to the right to compensation, while the Act connects with the date of 1 September 1939 only the premise of the possession of the Polish citizenship and the place of residence on the territories of the former Republic of Poland. The complainants also indicated that the wife and children of W.G., contrary to the erroneous assumption of the Province Governor, and then of the Minister of Internal Affairs and Administration, 'upon the outbreak of the war' were the owners of the real property. The wife and children of W.G. acquired by virtue of law through inheritance the ownership title to the real property in March 1941.

Judgement of the Provincial Administrative Court in Warsaw

The Provincial Administrative Court in Warsaw considered the complaint as valid and formulated the following thesis:

Thesis

'The owner of the real properties left' is a person who was the owner of real properties located on the so-called Eastern Borderlands before the war started in 1939 and maintained this right at the time of its outbreak or who acquired such real properties after the outbreak of this war, and before leaving them. In this regard it is irrelevant whether the property was lost as a result of its acquisition by the USSR against the owner's will through confiscation, inclusion of the real property in a collective farm or nationalisation.

Assessment of the position expressed in the judgement of the Provincial Administrative Court in Warsaw

The essence of the dispute in the commented judgement concerns the determination whether it was necessary to be the owner of the left real property on the date of the outbreak of the war, and then to hold the ownership title to this real property on the date of commencing the repatriation or leaving the former territories of the Second Polish Republic, or whether also persons who acquired the ownership title to the real property after 1 September 1939 through inheritance or as a result of different legal transactions *inter vivos*, e.g. purchase or donation, could be the owners.

In the commented judgement, the Provincial Administrative Court decided that it did not result from Article 2 of the Bug River Scheme Act that a person should be the owner of the left property exclusively on 1 September 1939 or on the date of leaving the former territory of the Republic of Poland and arriving at the present territory of the Republic of Poland. The Court shared the position of the Minister of

Internal Affairs and Administration that W.G. could not be considered as 'the owner of the left real property' within the meaning of Article 2 of the Act as although he was the owner of the real property located in Eastern Provinces of the Second Polish Republic on the date of the outbreak of the war, he died during the war, before the so-called first wave of repatriation of Polish citizens. According to the Provincial Administrative Court in Warsaw, the administrative authorities ruling on the case concerning the confirmation of the right to compensation made an erroneous interpretation of Article 2 of the Act, assuming that only a Polish citizen who demonstrated their status of the owner on 1 September 1939 could be the owner of the left real property within the meaning of this provision, not persons who acquired such a real property after the outbreak of the war started in 1939. The Court repealed the contested decision of the Minister of Internal Affairs and Administration and the decision of the Province Governor and ordered that the proceedings conducted again adopt that the co-owners of the real property in the form of the building plot in question are: J.G., H.B., J.K., S.G., M.L., and then determine which of these co-owners could be considered as 'the owner of the left real property' within the meaning of Article 2 in connection with Article 1 of the Bug River Scheme Act.

Referring to the commented judgement, first of all it should be noted that in the Polish Act of 8 July 2005 on the exercise of the right to compensation for real property left beyond the present borders of the Republic of Poland³ (hereinafter referred to as: the Bug River Scheme Act) there is no clear definition of the date that should be taken into account for the purpose of determining whether one meets the premise of being the holder of the ownership title to the left real property⁴. Therefore, while it is beyond doubt that it is necessary to prove the fact of being the owner (co-owner) of the left real property, the determination of the date on which the owner should hold the ownership title to the real property: on 1 September 1939 or on the date of leaving the property was and is unclear.

The observation of practice of administrative authorities ruling on cases concerning the confirmation of the right to compensation indicates that most frequently these authorities supported the interpretation according to which the requester should hold the ownership title on the date of leaving the real property⁵. Such an interpretation was also very frequently adopted by administrative courts⁶. In justifications of their judgements they stated that while determining the circle of individuals entitled to compensation for property left, the legislator did not grant this right to all Polish citizens possessing in the past real properties on the former territory of the Republic of Poland, but only to those that had been their owners at the time of repatriation and after fulfilment by them of all conditions specified in Article 2 of the Act. They substantiated that the fact that 'the repatriated person

³ Journal of Laws of 2005, no. 169, item 1418.

⁴ Similarly J. Forystek, *Commentary to the Bug River Scheme Act. Historical and Legal Study*, Kraków 2020, p. 183.

⁵ Compare A. Korzeniewska-Lasota, *State, Owners and Their Heirs in relation to Property Left by Polish Citizens in Eastern Provinces of the Second Polish Republic. Historical and Legal Study*, Gdańsk 2018, p. 373.

⁶ E.g. in judgements of: the Provincial Administrative Court in Warsaw of 13 January 2010, I SA/Wa 1169/09, LEX no. 600870; the Supreme Administrative Court of 22 March 2011, I OSK 742/10, LEX no. 990282; the Provincial Administrative Court in Warsaw of 12 January 2015, I SA/Wa 3159/14, LEX no. 1745746; the Supreme Administrative Court of 19 February 2015, I OSK 1491/13, LEX no. 1658561. Compare J. Wittlin, *Property Left beyond the Bug River. Implementation of the Right to Compensation*, Warsaw 2019, p. 73.

had to hold the legal and substantive title to the real property on the date of leaving it results from the very essence of the event with which the discussed right is connected, i.e. «leaving the real property» in circumstances specified in Article 1 of the Act⁷. The above position was critically assessed⁸ in the resolution of seven judges of the Supreme Administrative Court of 16 December 2013⁹, in which the Supreme Administrative Court stated that there were no grounds for the interpretation of the expression ‘the right to compensation vests in the owner of the left real properties’ used in Article 2 of the Act as ‘the right vesting in the owner of the real property at the time of leaving it’¹⁰. The court expressed its support for the interpretation of Article 2 in connection with Article 1 of the Bug River Scheme Act according to which ‘the inclusion in a collective farm or nationalisation for other reasons of real properties to which Article 1 of the Polish Act of 8 July 2005 on execution of compensation rights for property left outside the present borders of the Republic of Poland (Journal of Laws no. 169, item 1418, as amended) applies does not exclude the right to compensation’¹¹. The position of the Supreme Administrative Court formulated in such a manner undoubtedly had an impact on the harmonisation of practice of public administration authorities in the discussed scope¹² and judgements of courts. The judgement of the Supreme Administrative Court of 19 November 2014 may be presented as an example. In this judgement the Supreme Administrative Court indicated that ‘there are no grounds for concluding that the legislator has made the right to compensation dependant on the demonstration of the ownership title to real properties left outside the present borders of the Republic of Poland at the time of leaving the former territory of the Republic of Poland’¹³.

Nevertheless, the case law still has not formulated a uniform answer to the question whether the owner of the left real property should provide the proof that they held the ownership title to this real property on the date of the outbreak of the war, i.e. on 1 September 1939.

There are still judgements in whose justifications it is stated that one of premises fulfilling the requirements of the Bug River Scheme Act is the ownership title to the real property vesting in a person on 1 September 1939¹⁴, as well as

⁷ Similarly in the judgement of the Provincial Administrative Court in Warsaw of 12 January 2015, I SA/Wa 3159/14, LEX no. 1745746.

⁸ Such an assessment has already been presented in the case law, although it has not been frequent. It was presented e.g. in the judgement of the Supreme Administrative Court of 7 March 2012, in which it was stated that the Bug River Scheme Act, referring to ‘left real properties’, did not contain the condition that they should be real properties ‘constituting the property of repatriated persons at the time when they were left’. Judgement of the Supreme Administrative Court of 7 March 2012, file reference I OSK 662/11, LEX no. 1218893.

⁹ File reference I OPS 11/13, LEX no. 1404014.

¹⁰ *Ibidem*.

¹¹ Resolution of seven judges of the Supreme Administrative Court in Warsaw of 16 December 2013, I OPS 11/13, LEX no. 1404014.

¹² Similarly J. Wittlin, *op.cit.*, p. 75.

¹³ I OSK 774/13, LEX no. 1598216. Similarly e.g. in judgements of the Supreme Administrative Court of: 9 December 2014, I OSK 913/13, LEX no. 2008796; 19 September 2014, I OSK 321/13, LEX no. 1664463; 20 May 2014, I OSK 2665/12, LEX no. 1478760. A similar position was expressed by the Supreme Administrative Court in earlier judgements, before the issue of the above-mentioned Act: of 7 March 2012, I OSK 662/11, LEX no. 1218893; of 10 April 2013, I OSK 2041/11, LEX no. 1557115.

¹⁴ See e.g. judgements of the Supreme Administrative Court of: 9 March 2018, I OSK 1057/16, LEX no. 2486260, 19 February 2014, I OSK 2124/12, LEX no. 1494713, 17 April 2014, I OSK 149/14, LEX no. 1574616, 9 March 2018, I OSK 1038/16, LEX no. 2486257.

judgements stating that after the outbreak of the war the ownership title to a real property could 'be transferred to another person' who, provided that they left the Eastern Borderlands in conditions specified in Article 1 of the Act, should be treated as the owner of the left real property and should have the right to compensation¹⁵.

In the commented judgement, the court agrees with the last position. Therefore, it is another opinion of the judiciary in favour of the position that individuals who were not owners of real properties on 1 September 1939, but became them later, fulfilling at the same time other premises of the act, have the right to compensation.

This opinion should be considered as correct. The Bug River Scheme Act does not limit rights to compensation only to Polish citizens who were owners of real properties located in Eastern Provinces of the Second Polish Republic on 1 September 1939, and then left these territories in connection with the war. Only the requirement of the possession of the Polish citizenship is connected with this date¹⁶, and originally it was also the premise of residence, which was considered as unconstitutional¹⁷. Hence, as the legislator connected the date of 1 September 1939 only with this one premise, it should be assumed that the legislator did it purposefully and does not provide for the fulfilment of other premises decisive for granting the right to compensation on this specific date.

Advocating this position also supports the result of the historical interpretation performed, which in the case of regulations concerning the issue of property left beyond the Bug River seems to be indispensable. It should be recalled that the Bug River Scheme Act currently in force refers to actual situations with a historic dimension. The Republican Agreements made in 1944¹⁸ created the obligation of Polish authorities to regulate in the national law settlements with Polish citizens who lost immovable property as a result of the change of the eastern border of Poland¹⁹. The Agreements included first provisions determining the framework of support which was to be provided to resettled people. The Agreements guaranteed that professional farmers evacuated from a given territory would receive land 'in the size provided for in the Act on agricultural reform', and that peasants would receive 'land at their request pursuant to general principles even if they did not

¹⁵ Similarly in the judgement of the Provincial Administrative Court in Warsaw of 22 August 2019, I SA/Wa 486/19, LEX no. 3065916. Compare judgements of: the Supreme Administrative Court of 19 February 2015, I OSK 1491/13, LEX no. 1658561; the Supreme Administrative Court of 21 May 2013, I OSK 1984/12, LEX no. 2021241; the Provincial Administrative Court in Warsaw of 12 May 2011, I SA/Wa 2477/10, LEX no. 1131857 and of 2 December 2010, I SA/Wa 917/10, LEX no. 750989.

¹⁶ Similarly in judgement of the Supreme Administrative Court of 19 February 2015, I OSK 1491/13, LEX no. 1658561.

¹⁷ See judgement of the Constitutional Tribunal of 23 October 2012, SK 11/12, Journal of Laws of 2012, item 1195.

¹⁸ The above-mentioned acts include Agreements made on 9 September 1944: *the Agreement between the Polish Committee of National Liberation and the Government of the Byelorussian Soviet Socialist Republic concerning the evacuation of Polish citizens from the territory of the BSRR and Belarusian citizens from the territory of Poland* (AAN, Ministry of Foreign Affairs in Warsaw, 610/9, k. 1- 9) and *the Agreement between the Polish Committee of National Liberation and the Government of the Ukrainian Soviet Socialist Republic concerning the evacuation of Polish citizens from the territory of the USRR and Ukrainian citizens from the territory of Poland* (AAN, Ministry of Foreign Affairs in Warsaw, 610/9, k. 12-19 and *the Agreement between the Polish Committee of National Liberation and the Government of the Lithuanian Soviet Socialist Republic concerning the evacuation of Polish citizens from the territory of the LSRR* made on 22 September 1944 (AAN, Ministry of Foreign Affairs in Warsaw, 610/9, k. 44-52).

¹⁹ See e.g. A. Grzesiok-Horosz, *Republican Agreements as the Legal Grounds for Claims of Persons whose Property was left in the Territories beyond the Bug River*, 'Opole Studies in Administration and Law' (Opolskie Studia Administracyjno-Prawne) 2010, volume 7, p. 113-125; A. Korzeniewska-Lasota, *'Republican Agreements' and their Effects in the Scope of Ownership Rights of Persons subject to Resettlement*, [in:] D. Szpoper, P. Dąbrowski (ed.), *Borderlands in the History of Law and Political and Legal Thought*, Gdańsk-Olsztyn 2017, p. 333-343; A. Młynarska-Sobaczewska, *Responsibility of the Polish State for Property left beyond the Bug River*, 'State and Law' (Państwo i Prawo) 2010. no. 2, p. 57-69.

have land at the time of evacuation²⁰.

In the Polish Decree of 6 September 1946 on the agriculture system and settlement in the Regained Territories and former Free City of Gdańsk²¹, which first *expressis verbis* regulated the right of persons whose property was left in the territories beyond the Bug River in the form of the so-called 'offsetting right' intended to cover the price of acquirement of a farm (plot of land) whose value corresponded to the lost (left) farm²², this right was granted to two categories of entities: persons who in connection with the war started in September 1939 lost farms on the territories of the Republic of Poland in its pre-war borders not included in the present territories of Poland, provided that these persons permanently resided on these territories before 1 September 1939, and persons who on the basis of international agreements made by Poland were to receive an equivalent for the property left abroad²³.

In subsequent Polish acts the date of the outbreak of the war was also not correlated with the demonstration of the ownership title to the left real property. The 'offsetting right' was referred to 'real properties left beyond the present borders of the Polish State in connection with the war started in 1939, for which benefits were to be granted'²⁴.

The first so-called Bug River Scheme Act, i.e. the Polish Act of 12 December 2003 on setting off the value of the property left beyond the present borders of the Polish State against the sale price of property or the right of perpetual usufruct held by the State Treasury²⁵ also referred the 'offsetting right' to 'real properties left beyond the present borders of the Polish State in connection with the war started in 1939, for which benefits were to be granted'²⁶.

Performing the functional interpretation and taking into account the purpose of the current regulation and previous regulations, starting from the co-called Republican Agreements of 1944, it should be underlined that then they constituted first of all the State's commitment to provide support to resettled people in settling at the new place of residence²⁷. In subsequent legal acts²⁸, the principles of this

²⁰ Article 1 of the Republican Agreements. Compare K. Michniewicz-Wanik, *Property Left beyond the Bug River. Legal Basis for the Implementation of Claims*, Wrocław 2008, p. 18.

²¹ Journal of Laws no. 49, item 279, as amended.

²² Compare Z. Gronowski, *Equivalent for Immovable Property Left Abroad in connection with the War in 1939*. 'Economic Legislation Review' (Przegląd Ustawodawstwa Gospodarczego) 1990, no. 8-9, p. 141.

²³ Article 23(1) of the Decree of 6 September 1946 on the agriculture system.

²⁴ Such a provision was included in Article 88(1) of the Polish Land Management and Expropriation Act of 29 April 1985 (Journal of Laws of 1985, no. 22, item 99), as well as in Article 212 of the Polish Real Property Management Act of 21 August 1997 (Journal of Laws no. 115, item 741, original text)

²⁵ Journal of Laws of 2004, no. 6, item 39, as amended.

²⁶ Article 1 of the above Act.

²⁷ Compare judgement of the Supreme Administrative Court of 18 February 2016, I OSK 1113/14, LEX no. 2035928. At that time it was a priority purpose, although not the only one. It was also to be a form of compensation for property lost.

²⁸ They were: the above-mentioned Polish Decree of 6 September 1946 on the agriculture system and settlement in the Regained Territories and former Free City of Gdańsk (Journal of Laws no. 49, item 279, as amended); Polish Decree of 6 December 1946 on the transfer from the State of non-agricultural property in the Regained Territories and former Free City of Gdańsk (Journal of Laws no. 71, item 389, as amended); Polish Decree of 10 December 1952 on the State's cession of immovable non-agricultural property for housing purposes and for purposes of construction of single-family houses (Journal of Laws no. 49, item 326); Polish Decree of 18 April 1955 on the enfranchisement and regulation of other matters related to the agricultural reform and agricultural settlement (Journal of Laws no. 18, item 107, as amended); Polish Act of 28 May 1957 on the sale by the State of housing premises and building plots (Journal of Laws no. 31, item 132, as amended); Polish Act of 14 July 1961 on land management in urban areas and housing estates (Journal of Laws no. 32, item 159, as amended); Polish Land Management and

support implementation were regulated many times. In turn, the assumption of the currently applicable Act is to definitively account for those commitments, and its solutions, as it is indicated in the justification of the draft, 'were formed in accordance with the provisions of the Resolution adopted by seven judges of the Supreme Court of 10 April 1991 (III CZP 84/90)', according to which «the right to count the value of property left on the territories not included in the present territory of the Polish State vests in Polish citizens residing on 1 September 1939 on these territories who after that day left them in connection with the war started in 1939 and reside in Poland»²⁹.

Therefore, as it results from the historical and functional interpretation, and first of all from the literal wording of the provision of Article 2 of the Bug River Scheme Act, there are no grounds for assuming that the legislator has made the right to compensation dependant on the demonstration of the ownership title to real properties left in Eastern Provinces of the Second Polish Republic both on 1 September 1939 as well as exactly on the date of leaving these territories.

In the light of the above, depriving of the right to compensation persons who became owners of real properties located on the Eastern Borderlands after the outbreak of the war by way of general or singular succession should be considered as unauthorised. If after 1 September 1939 a natural person became the owner of the real property and at the same time fulfilled all other statutory premises, they have the right to compensation.

Expropriation Act of 29 April 1985 (Journal of Laws no. 22, item 99, as amended); Polish Act of 10 June 1994 on the administration of real property taken over by the State Treasury from the army of the Russian Federation (Journal of Laws no. 79, item 363, as amended); Polish Real Property Management Act of 21 August 1997 (Journal of Laws no. 115, item 741, as amended; hereinafter referred to as the Real Property Management Act); Polish Act of 4 September 1997 on the transformation of the right of perpetual usufruct vested in natural persons into the ownership right (Journal of Laws no. 123, item 781, as amended); Polish Act of 12 December 2003 on setting off the value of the property left beyond the present borders of the Polish State against the sale price of property or the right of perpetual usufruct held by the State Treasury (Journal of Laws no. 6, item 39, as amended).

²⁹ Justification of the draft act, Sejm paper no. 3793 of 3 March 2005, 4th term Sejm, p. 9 (08/12/2020).

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9. Judgement of the Supreme Administrative Court of 17 April 2014, I OSK 149/14, LEX no. 1574616.
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11. Judgement of the Supreme Administrative Court of 19 November 2014, I OSK 774/13, LEX no. 1598216.
12. Judgement of the Supreme Administrative Court of 9 December 2014, I OSK 913/13, LEX no. 2008796.
13. Judgement of the Supreme Administrative Court of 19 February 2015, I OSK 1491/13, LEX no. 1658561.
14. Judgement of the Supreme Administrative Court of 18 February 2016, I OSK 1113/14, LEX no. 2035928.
15. Judgement of the Supreme Administrative Court of 9 March 2018, I OSK 1038/16, LEX no. 2486257.
16. Judgement of the Supreme Administrative Court of 9 March 2018, I OSK 1057/16, LEX no. 2486260.
17. Judgement of the Provincial Administrative Court in Warsaw of 13 January 2010, I SA/Wa 1169/09, LEX no. 600870.
18. Judgement of the Provincial Administrative Court in Warsaw of 2 December 2010, I SA/Wa 917/10, LEX no. 750989.
19. Judgement of the Provincial Administrative Court in Warsaw of 12 May 2011, I SA/Wa 2477/10, LEX no. 1131857.
20. Judgement of the Provincial Administrative Court in Warsaw of 12 January 2015, I SA/Wa 3159/14, LEX no. 1745746.
21. Judgement of the Provincial Administrative Court in Warsaw of 22 August 2019, I SA/Wa 486/19, LEX no. 3065916.