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Title: Odpowiedź na uwagi polemiczne dotyczące problematyki intertemporalnej służebności przesyłu / Response to the polemical comments on the intertemporal problems of transmission easement

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Abstract:

The paper, refuting objections formulated in a polemic, upholds fundamental points worded in the previously published article, according to which "easement corresponding to transmission easement" and "transmission easement" have exactly the same meaning. Such easement could not have existed before the date of entry into force of the provisions of the Polish Civil Code constructing this limited right. Since the easement could not have existed before the date of entry into force of the provisions that construct it, it could not have also been acquired either by legal action (in particular by an agreement), or by usucaption. The period of usucaption of such easement runs from the date of entry into force of the provisions constructing the easement, and is reduced — by a maximum of half the time required by the law — in the case in which prior to the entry into force of these provisions there existed a status on the property which after their entry into force would justify the establishment of transmission easement.