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**Commentary to the ruling of the Supreme Court of 24 July 2013, ref. III CZP 36/13, on the relation between the claim for a fee for non-contractual use of a thing and *actio negatoria* or *rei vindicatio***

This is a commentary approving the ruling of the Supreme Court ref. III CZP 36/13. The author endorses the argument put forward in this ruling that “The owner can demand a fee from the possessor of the easement for non-contractual use of a thing”, even if the owner does not pursue *actio negatoria* that is based on demanding removal of transmission facilities. In the Court's opinion and the author's opinion as well, a claim for a fee for non-contractual use of a thing is independent. The issue of the legal nature of the supplementary claims, particularly their independence, remains a matter of dispute in Polish civil law. It is also questionable whether it is necessary for the owner to simultaneously have entitlement to pursue *rei vindicatio* in order to demand a fee for non-contractual use of a real estate without legal title, which would exclude a claim for a fee in the presence of grounds only for *actio negatoria*. Therefore, this kind of a claim would be excluded with regard to transmission facilities. One shall accept the standpoint of the Court that the claim for a fee for non-contractual use of a thing has the nature of obligation, and when it arises - it obtains independent existence in relation to other claims of the owner and may be traded.

**Keywords:** supplementary claims, fee for non-contractual use, transmission facilities, easement