

The market model of Polish economic insurance in agriculture in the period of preparations for joining the EU (1990–2004)

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Abstract

The market economy model that has functioned in Poland for over thirty years has been experiencing – apart from its undisputed achievements – various types of crises. Since the turn of the 20th century, the world economy, entering the stage of a new post-industrial revolution, has been facing numerous socio-economic instabilities. Several scholars, including Nobel Prize winners, predict the demise of capitalism. The world today is affected by the ever-deepening economic problems, social, political and religious crises, poverty and famine, as well as natural disasters. The latter significantly affect the agricultural economies of the majority of countries worldwide. The models of securing human activity and material effects of risk – primarily the insurance methods – that have been so far used quite effectively in the world economy, are no longer sufficient. Within the system of neoliberal economy, the contemporary insurance model puts the principle of constant profit above the social aspects of insurance activity. The system of contractual economic insurance introduced in Poland and implemented here over thirty years ago turned out to be unsatisfactory both for the agricultural sector, the populations of rural areas and for the national economy. This paper consists of two articles: the first one covers the period of the early years of political and insurance system transformation, until the beginning of the participation of the Polish agricultural market in the system of the European Union, i.e. until mid-2004; the second one addresses the period when the Polish agricultural market has functioned within the EU structures. It also deals with the problem of perspectives and directions of the development of the insurance system for Polish agriculture and the populations of the rural areas, aimed at addressing the protective expectations by insurance methods.

Keywords: command and control economy, agriculture, economic market, insurance market, agricultural insurance.

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Introduction

The political and political changes which have been taking place in Poland since the third decade of the second half of the 20th century have led to the change of the previous model of economy based on command and control principles into a market model which was new for Poland at that time.

At the threshold of the new systemic formula, the Polish economy began the process of adjustment to market principles, creating a set of legal acts regulating the functioning of market capitalism in the neoliberal model.

Overnight, a decision was made to introduce a new model of insurance, including in agriculture. Attempts were made to keep up with changes of an economic nature, but without deeper analysis and prior practical research, previous experience was rejected and potential effects of transformations were ignored.

The aim of the paper is to identify changes in agriculture insurance during the transformation from the model characteristic for the command economy to the market model.

Convincing new governing teams of the superiority of the market model solutions led in a very short time, practically as early as in mid-1990, to the establishment of new statutory regulations for business insurance, specifying a short period of *vacatio legis* for it. As early as on July 28, 1990, the Polish Sejm adopted the Act on Insurance Activity¹ in which the legislator introduced the principle of contractual nature of insurance, binding for the Polish business insurance sector².

This form has been confirmed by successive amendments to the Act of 1990, which specified that the only source of the legal relationship of insurance in Poland is the insurance contract³. Thus the possibility of insurance being created by operation of law (*ex lege*), which was commonly used in the command economy system, was abolished.

1. Consolidated text of Journal of Laws 1996 no 11 item 62 as amended.

2. S. Nowak, *Problemy 25-lecia polskiego rynku ubezpieczeń (przymus ubezpieczenia w rolnictwie)* [in:] *Ubezpieczenia na rzecz gospodarki globalnej sektorów i regionów*, ed. I. Jędrzejczyk, Warsaw, Oficyna Wydawnicza E. Mitek, 2015, p. 97. See also W.W. Mogilski, *Przymus ubezpieczenia na tle projektu ustawy o działalności ubezpieczeniowej i reasekuracyjnej*, "Wiadomości Ubezpieczeniowe" 2015, nr 1, p. 28–37.

3. For more on the contractual nature of insurance protection during the transformation of the political system and the Polish insurance system to European (EU) regulations see J. Łopuski, *Reforma cywilnego prawa ubezpieczeniowego: uwagi na marginesie zmian przepisów Kodeksu Cywilnego dotyczących umowy ubezpieczenia* [in:] *Umowa ubezpieczenia, dyskusja nad formą prawną i treścią unormowań*, Warsaw 2008, p. 61–80.

Despite the fact that the contractual principle (contractuality), associated in practice with the voluntary conclusion of insurance contracts, became the only form of insurance in Poland at that time, for important social and economic reasons, the possibility of carrying out insurance protection for categories of persons and property specified by the act was provided for in the compulsory mode (obligatory insurance), i.e. through the obligation to conclude insurance contracts for them with an insurance company chosen by the policyholder⁴.

In the study the hypothesis assuming that the abolition of the possibility of insurance by operation of law (*ex lege*) in the market model contributed to the collapse of the insurance market for agriculture and to the decrease of profitability of these insurances was verified.

Economic, political and insurance transformations

At the turn of the 1980s and 1990s Poland was a country with a specific, non-modern and even backward agriculture. Agricultural areas accounted for just over half of the country's area (51.7%), covering an area defined at 16.2 million hectares.

Since 1990, the process of introducing the Polish economy to the group of countries implementing the market economy model began. In the area of business insurance, Poland also differed from Western markets in many respects. At that time, even other Central European countries, such as Czechoslovakia or Hungary, were ahead of Poland in terms of insurance premiums per capita.

In 1990, the insurance premium per Pole (in USD terms) was \$19; respectively for a resident of Czechoslovakia is 53 and a Hungarian – 61.

The inhabitants of Czechoslovakia were also ahead of the Poles in the level of GDP per capita (USD 831, with the Polish – USD 738 and the Hungarian – USD 648)⁵.

4. For more on the obligation to conclude insurance contracts, see (among others) W.W. Mogilski, *Przymus ubezpieczenia na tle projektu ustawy o działalności ubezpieczeniowej i reasekuracyjnej*, "Wiadomości Ubezpieczeniowe" 2015, nr 1. On the obligation to conclude contracts cf. also S. Nowak, *Problemy 25-lecia...*, op. cit. The cited W.W. Mogilski points out that the group of so-called compulsory insurance is realised in Poland in two forms: full compulsory (for example, farmers' liability insurance) and incomplete, bearing, however, the features of statutory compulsion. However, as the rules of incomplete obligatory insurances do not meet the conditions of separate legal regulations, in author's opinion they cannot be considered as strictly obligatory. In this incomplete form there is a numerous group, marked in the Insurance Act as "other insurance with the obligation to conclude a contract". Their basic, leading parameters are determined by the Minister of Finance. Currently this group consists of over 150 types of insurance.
5. The Swiss, who were leading the world at the time, achieved – in USD – 2,926 USD in insurance premiums per capita. Comparatively in the USA it was 1,928 USD. Other European countries were led by the Finns – 1,901 USD and the British – 1,775 USD. After J. Łańcucki, *Finanse ubezpieczeń gospodarczych*, Warsaw, Poltex, 1993, p. 12–13.

Thirteen years later, in 2003, just before Poland's accession to the European Union in May 2004, the agricultural economy had a 2.6% share in national GDP⁶.

Polish economic insurances, entangled in the process of creating legal and practical prerequisites for fulfilling the model of market economy, since 1990 have faced a great challenge of meeting the expectations arising both from the principles of the political system and the need to preserve the essence of insurance, including its functions, understood in a similar way in both systems⁷.

Due to the abolition of the compulsory insurance in the system *ex lege*, fulfilling the mentioned protection function, realised by using its principles: universality, reality and fullness of protection, in the insurance practice turned out to be an impossible task to fulfil in the scope consistent with the expectations of those interested in these services, i.e. the buyers⁸.

While in other, non-agricultural branches of national economy the functioning of various forms of contractual voluntary insurance (not to mention other, extra-legal forms of compulsory conclusion of insurance contracts, e.g. economic) could (despite significant losses) be roughly preserved, a special situation arose in the agricultural sector.

The process of reconstruction of Polish business insurance, which began parallel to the political transformation, brought about deep changes, especially in the legal basis of the organisation and functioning of the existing model, as well as in the practice of insurance and compensation⁹.

The economic and organisational model of insurance lasting almost half a century of the command economy was characterised by the following features: the omnipotent role of the state in establishing legal norms of insurance and the organisation of the quasi insurance market; the assumption of premiums and the financing of the

6. Cf. M. Kowalczyk, K. Rojewski, *The State of Agricultural Insurance in Poland as Exemplified by PZU S.A.* [in:] *Insurance in the Polish Segment of the European Market AD 2004*, Warsaw, published by Leon Koźmiński Academy Enterprise and Management in Warsaw, 2004, p. 178–181.

7. See S. Nowak, *Problemy 25-lecia...*, op. cit., p. 94–110. Cf. also S. Nowak, J. Jagodziński, M. Łazęcki, *Polski model ubezpieczeń – pora na moderację i modernizację (problemy spełniania funkcji ubezpieczeniowych)* [in:] *Polski rynek ubezpieczeń na tle kryzysów społeczno-gospodarczych*, ed. S. Nowak, A. Z. Nowak, A. Sopoćko, Warszawa, Wydawnictwo Naukowe Wydziału Zarządzania UW, 2016; A. Z. Nowak, G. Tchorek, *Rynek ubezpieczeniowy w Polsce w latach 1995–2002* [in:] *Ubezpieczenia w polskim obszarze rynku europejskiego. Wyzwania i oczekiwania*, Warszawa, IGUiOR, WSPiZ im. L. Koźmińskiego, 2003, p. 319–331.

8. See S. Nowak, J. Jagodziński, *Kryzysy stałym elementem funkcjonowania polskich ubezpieczeń? Refleksje na tle dyskusji o stanie rynku ubezpieczeń* [in:] *Polski obszar europejskich rynków finansowo-ubezpieczeniowych Anno Domini 2017*, ed. A. Z. Nowak, S. Nowak, J. Jagodziński, Warszawa 2017, p. 267–269. Cf. also S. Nowak, J. Jagodziński, M. Łazęcki, *Polski model ubezpieczeń...*, op. cit.

9. Cf. K. Przewalska, *Przebudowa polskiego prawa ubezpieczeniowego* [in:] *Ubezpieczenia w polskim obszarze rynku europejskiego. Wyzwania i oczekiwania*, Warsaw, IGUiOR, WSPiZ im. L. Koźmińskiego, 2003, p. 53–60.

payment of compensation and benefits from contributions previously collected; insurance monopoly, with centralised – also in the sphere of management – economy, in which economic entities were located.

Such an economic base is superimposed on the sphere of the social superstructure of the time, both from the side of participation in the supply of all kinds of services and from the side of demand, including the human interest in insurance, understood as the provision by an insurance monopolist of only possible insurance coverage.

When comparing the two periods and searching for the essence of the changes taking place, it is worth asking what, in the conditions then existing, the role of the policyholder, the insured or the injured party in the legal relationship of insurance boils down to?

They are certainly in insurance relations with elements of compulsion (*ex lege*, insurance under credit agreements, contracting out, etc.) a subject of insurance relations, however – due to the norms and principles of realisation of these legal relations – treated objectively.

For it is the state and its agencies that “know best” what is good for the insured and chosen by the superior will. Also in most of the insurances called contractual (e.g. group life in companies, credit, contracting) the means of compulsion of insurance were used, though of a different nature than by law.

In the agricultural sector, agricultural producers in the contracting system were included, as if by default, in the group (general) insurance, e.g. of agricultural produce, although it should be admitted that with far-reaching facilitations in terms of contributions, both with respect to their amount (the universality of insurance allows for setting a lower insurance premium) and the manner of its payment through deductions from the amount of delivered contracted goods (e.g. rapeseed).

A similar – already mentioned – role of an insurance state agency was played at that time by the model of compulsory agricultural insurance for a wide range of protection of life and health of farmers and their families and their property. This insurance was carried on by law or other form of compulsion by the State Insurance Company – a monopolist in domestic insurance.

For a fair assessment of the history of Polish insurance it should be noted that the compulsory insurance on the Polish lands as an organized form of compulsory insurance by law was not an invention of the system of the times of order and distribution economy. Such insurance appeared as early as the beginning of the 19th century (1804) in the form of compulsory insurance of buildings in the countryside, as an act of the King of Prussia who ruled at that time, also in a part of the Prussian partition¹⁰.

10. In the current form of the political system, starting with the aforementioned Act of 28 August 1990.

In this formula, variously called compulsion survived (even despite many wars and uprisings) until modern times, as a compulsory insurance of buildings in agricultural holdings against fire and other random events¹¹.

It is true, however, that during the period of the command economy, agriculture and rural areas, as well as farmers and their families (together with their property), were abundantly “provided” with legal insurance.

This view, in force for two centuries, that the authorities know best what a citizen should and is entitled to in insurance, accustomed farmers and other rural residents to use mainly those types of protection which are covered by compulsion, especially since, apart from the consequences of a visit by the tax collector in the event of non-payment of an insurance premium, even the occurrence of a loss did not entail the denial of compensation.

In order to illustrate the scale of transformations in agriculture after 1990 it is worth reminding that the model of state economic obligatory insurances, created by force of law, in Polish agriculture and in rural areas and implemented until the Act of July 28, 1990 on Insurance Activity came into force concerned:

- buildings (regardless of their purpose) with respect to the risk of fire, hurricanes, floods and other harmful fortuitous events;
- movable property of agricultural holdings and other property located thereon, against fire, hurricanes, floods and other random events;
- crops of cereals and root and fodder plants (including arable crops, grasses, meadows and pastures) from hail, fire, flooding and excessive rainfall;
- since July 1989, horses and cattle of productive age and pigs (except piglets) from death and emergency slaughter;
- conducted pursuant to the Act of 20 November 1984¹² compulsory insurance of liability of motor vehicles, consequences of mishaps arising from the operation of motor vehicles, and motor vehicles against damage, destruction or loss

11. On the history of Polish insurance see (among others) J.W. Przybytniowski, Fr. D. Bucki, *Historia ubezpieczeń gospodarczych w Polsce i na ziemi kieleckiej* [in:] *Almanach Świętokrzyski T. III; Świętokrzyski obszar rynków finansowo-ubezpieczeniowych oraz jego rola inwestycyjno-ochronna w procesie uprzemysłowienia regionu*, ed. S. Nowak, A. Z. Nowak, J. Jagodziński, Warszawa, WNWZ UW and IGUiOR, 2018, p. 169–185.

12. Dz. U. nr 72 poz. 357 as amended. For more details concerning the types of subjective and objective risks of the insurance protection in the compulsory agricultural insurance in the period before 1990 see, among others, S. Nowak, *Obowiązkowe ubezpieczenia środków produkcji i plonów w rolnictwie* (Doctoral dissertation – Adam Mickiewicz University Poznań, Institute of Civil Law), Poznań 1978 (not published). Cf. also R. Nowak, *Wczoraj i dziś ubezpieczeń w rolnictwie* [in:] *U progu trzeciego stulecia ubezpieczeń*, Warsaw, PZU S.A., 1993.

(autocasco), introduced by the Decree of the Council of Ministers of 6 February 1985 on statutory motor insurance¹³.

These insurances covered the civil liability of vehicle holders (also legal entities and natural persons related to agriculture) and the consequences of accidents resulting from the operation of these vehicles, as well as autocasco.

It is also very interesting to note a short history of insurances emanating from the same legal basis, i.e. the Act of 20 November 1984, and implemented under the Decree of the Council of Ministers of 21 February 1985 on statutory insurance of buildings and farm property and another act of the same rank and name of 5 December 1989. Both mentioned acts are a legal harbinger of a new insurance policy in agricultural economy, called a bit pompously, as for the economic and political realities of that time, “the policy of unity of Polish agriculture”, i.e. creation of uniform principles of insurance protection for buildings, property and crops in all sectors of agriculture¹⁴.

This mechanism, in operation between 1985 and 1987, resulted in the following categories of property and persons being protected under the above-mentioned legislation:

- residential and farm buildings on individual farms and other natural persons (on plots with an area of up to 0.5 ha, situated in towns and villages), as well as entities in the socialised sector, i.e. state farms (PGR) and agricultural production cooperatives (RSP);
- property belonging to holders of the above categories.

Recapitulating the scope of protection introduced, it should be noted that the insurance against fire and other random events covered about 12 million buildings, including buildings and property therein of about 2.9 million from individual farms and about 1.8 million owners of real estate on parcels up to 0.5 ha, located in towns and villages. Adding to the above the buildings and property of State Agricultural Farms and other individual agricultural enterprises, it may be argued that the principle of universality of insurance with regard to agricultural buildings and property has been fulfilled.

The conditions of this insurance package are interesting for the adopted solutions, also in terms of their reality and fullness of protection, the principles being the essence of insurance, the insurance function, in addition to the already mentioned universality of protection. The solution adopted was that compensation for

13. Dz. U. nr 6 poz. 20. See *Obowiązkowe ubezpieczenia komunikacyjne w PZU*, ed. A. Wąsiewicz, Poznań, 1979, and also A. Wąsiewicz, *Ubezpieczenia samochodowe*, Warszawa, Komunikacja i Łączność, 1984 and J. Ławrynowicz, S. Nowak, *Ubezpieczenia komunikacyjne. Teksty przepisów. Orzecznictwo. Komentarz*, Warsaw 1984.

14. R. Nowak, *Wczoraj i dziś...*, op. cit., p. 99–120.

buildings belonging to State Agricultural Farm (PGR) and State Agricultural Farms (RSP) would be covered in the amount of reconstruction costs.

In individual holdings, in order to keep the compensation realistic, the principle of annual updating of the insurance value of buildings has been introduced, taking into account, however, their degree of wear and tear and the appropriate, proportionally determined insurance premium.

Another, pro-social, as noted by R. Nowak¹⁵, the solution became the conditions for conducting the insurance system complementary to the system of statutory insurance of crops, the system of insurance of contractual crops (herbs, flax, hemp, rape, poppy, mustard, beans) and horticultural production. A form of credit premium was used here, paid on payments for delivered contracted goods. In this system approximately 340 thousand plantations were insured in 1985, 321 thousand in 1986, and 309 thousand in 1987¹⁶.

Unfortunately, the period of 1985–1987, in spite of a number of solutions improving the agricultural insurance sector, was marked by deepening socio-economic crises which significantly affected insurance results.

Moreover, the 1980s were characterised by massive flood damage in the area of Płock. The year 1985, on the other hand, saw massive damage to agricultural crops (over 800,000, with an annual average of about 250,000)¹⁷.

The overlapping of crisis phenomena in the economy (e.g. inflation of the Polish zloty) and in insurance (mass and catastrophic losses) resulted in an insurance deficit estimated at about 14 billion zloty at that time¹⁸.

Polish agricultural economy, ideologically embedded in the systemic canons of ownership and management principles in the period of real socialism in Poland, only seemingly easily passed from the stage of command economy to the free market model. Polish agricultural economy, ideologically embedded in the systemic canons of ownership and management principles in the period of real socialism in Poland, only seemingly easily passed from the stage of command economy to the free market model.

Without going into a closer analysis of the economic consequences of the abandonment of the forms of state or cooperative ownership preferred under socialism, it is worth pointing to the striving of peasants during the PRL to maintain the private

15. *Ibidem*, p. 117–118.

16. *Ibidem*, p. 18.

17. *Ibidem*, p. 117.

18. With the collection of insurance premium from the whole agricultural sector for the years 1985–1987 amounting to 105 billion PLN, 95 billion PLN of indemnities and benefits were paid out in that period. At the level of calculating 80% of indemnities to the collected premium, the loss was calculated at 14 billion PLN.

character of agricultural land ownership. Nearly half a century of the theory and practice of agriculture based on the principles of socialism has left in the sphere of the superstructure of Polish agriculture important habits and behaviours characteristic for the past political epoch.

There has been a profound mental change in the awareness of the farming community regarding the need for insurance cover (if only because of the wide range of insurance cover that is often offered in agriculture, even under compulsion)¹⁹.

Review of opinions and evaluations of changes the model of agricultural insurance after 1990

Since the entry into force of the above mentioned Insurance Act of 1990, only the obligation to conclude an insurance contract (buildings in agricultural holdings, third party liability of farmers and third party liability of motor vehicle holders) has been maintained in agriculture. In the existing insignificant demand for insurance protection among farmers, symptoms of a deep collapse of the agricultural insurance market were revealed, caused by such factors as: financial shortages of agriculture, general economic crisis phenomena, deficiencies in insurance education, weaknesses in acquisition of insurers, high (sometimes even prohibitive) insurance premium, inadequate in relation to the scale of risk, insurers' greed for premium and their aspiration to profit for at any cost. All this resulted in a loss of confidence in insurance, due to deficiencies in adequate protection not meeting farmers' expectations.

This is how the agricultural insurance market collapsed as a consequence of the political transformation, which has been haunted by crisis phenomena with varying intensity up to the present day. In order to counteract these negative effects, a number of measures have been taken to improve the status of agriculture, even the significant ones, such as those resulting from EU subsidies or technical and organisational progress in agriculture and its entire environment. A number of measures have also been taken to improve services in terms of the need to use insurance as the most effective method of compensating for agricultural damage, particularly in specialised areas of farming (e.g. livestock, crops, crafts).

19. See e.g. T. Kurowska, *Gospodarstwo rolne jako przedmiot wsparcia i rozwoju obszarów wiejskich* [in:] *Ubezpieczenia na rzecz gospodarki globalnej sektorów i regionów*, ed. I. Jędrzejczyk, Warszawa, Oficyna Wydawnicza E. Mitek, 2015 and *Z zagadnień prawa rolnego, cywilnego i samorządu terytorialnego*, ed. J. Bieluk, A. Doliwa, T.A. Malarewicz-Jakubów et al., Białystok, Temida 2, 2012, p. 184–187.

In the period after the political change, a significant decrease in the importance of agricultural economy as a sector of national economy was also observed, if only due to the functioning of the single European agricultural market, which is often dominated by good quality goods obtained from markets specialising in such production, which intensifies competition.

Contemporary, specialised in the type of undertaken production, agricultural entrepreneurs or other technically supporting agriculture, treat their profession and their company in a modern way, without complexes in relation to other professions, very often using insurance for needs other than just connected with agriculture. Also, insurers offer coverage for persons and property more often as typical property owners than for agricultural property.

Meanwhile, the agricultural insurance package from before the market transformation required subjective and objective influence, directed at universal, mass recipient, e.g. a farmer with land area also below 1 ha, allotment holder or owners of rural buildings or members of their families.

It should be admitted that in the model before political transformations property and health and life of millions of average people from rural areas were the subject of special interest of economic insurance, fulfilled within the framework of common insurance in the obligatory formula, which was supposed to secure the compensation of damage suffered or less frequently – to secure production capacity of serious agricultural producer.

If to the mentioned reasons for the present reluctance of the agricultural sector to have insurance one should add a particularly important element, i.e. poor financial resources of farmers and massive flood damage to crops which afflicts agriculture every few years, it is not surprising that the changes in the political system and entering into a new model of insurance led to a situation which one of the market analysts of that time wrote about: “the results obtained in the first two years of implementation of the provisions of the Act (of 1990) are even partial”²⁰.

This rarity meant that in 1991 only 1.2% of the cattle population, 0.2% of the swine population and 7.73% of the horse population were insured, while in the following year 1.24% of protected plantations were insured in crops, and 2.60% of farms in movable property²¹.

Konrad Rojewski, who has been observing crisis phenomena in Polish insurance against the background of political transformations of the political system for many years and who is a specialist in agricultural insurance in the PZU Group, describes the condition of agricultural insurance in Poland against the background of the implementation

20. R. Nowak, *Wczoraj i dziś...*, op. cit., p. 119.

21. *Ibidem*, p. 117–119.

of the Act of 1990 in the following way²²: “the change in coverage rules from statutory to voluntary has resulted in a significant decrease in the number of insurances that have become voluntary. In 1990, agriculture was suddenly – through an administrative move – stripped of its insurance coverage, and nothing was offered to it in return”.

This author adds that agricultural insurance then lost its universality, bringing it down to a mere few percent of the insurance field. Even in those insurances in which after 1990 the obligatory character of concluding contracts was preserved, still after more than 10 years of their functioning it was found that about 20% of farmers still did not conclude insurance contracts (especially in the obligatory insurance of buildings in agricultural holdings and OC of farmers)²³.

The same Konrad Rojewski²⁴, after statistical analysis of the agricultural insurance sector, states that “currently (in 2003) only several percent of farmers insure agricultural production” and that “the share of agricultural insurance in the vast majority of insurance companies, including PZU S.A. which is still a definite leader on this market, does not exceed several percent”. Moreover, it indicates a general lack of interest and competition among insurers on the Polish market in these types of protection due to a high risk of random losses in the agricultural sector.

Similarly, farmers showed little interest, mainly due to the excessively high tariff rates of insurance cover in relation to its proposed scope. The same reasons for the low interest of agricultural producers in voluntary insurance protection offered by the market are also indicated by Aleksandra Szelągowska, a long-term specialist and manager of the then structures of the Ministry of Agriculture, who writes in her study entitled *Development of risk management system in agriculture*²⁵ (from the perspective of 12 years of functioning of a new agricultural insurance system) that: “As the problems related to the effects of unfavourable phenomena increase atmospheric conditions, commercial insurance began to emerge and grow. However, the economic conditions of agricultural producers prevented farmers, with few exceptions, from taking advantage of commercial insurance offers”.

22. K. Rojewski, *Stan ubezpieczenia polskiego rolnictwa oraz wysokość odszkodowań z tytułu szkód spowodowanych przez żywioły* [in:] *Problemy i kierunki unormowań rozwoju rynku ubezpieczeniowego w Polsce*, Warsaw, Published by Izba Gospodarcza Ubezpieczeń i Obsługi Ryzyka and WSPiZ im. L. Koźmińskiego, 2002. This study is a summary of the author's speech, included on a CD attached to the book, delivered at a scientific conference of the same title held on 22 March 2002 at the WSPiZ.

23. After K. Rojewskim, *Stan ubezpieczenia...*, op. cit., p. 95. Similarly high was the percentage share of uninsured motor vehicles in OC insurance of holders from the agricultural sector. In the cited study by M. Kowalczyk and K. Rojewski, *The State of Agricultural...* the authors state that according to PZU statistics for 2002–2003 23% did not conclude contracts of obligatory agricultural insurance (p. 180).

24. K. Rojewski, *Stan ubezpieczenia...*, op. cit., p. 93.

25. Published in: *Regionalny program rozwoju na tle strategii UE “Europa 2020” z uwzględnieniem roli ubezpieczeń na przykładzie województwa świętokrzyskiego*, Warsaw 2012.

The similar evaluation of the Polish market of agricultural insurance (from the perspective of the year 2004) as Konrad Rojewski is made by another author specialising in the practice of countryside or agricultural sector insurance, Cezary Klimkowski²⁶, in the work resulting from the proceedings of the next scientific-problem conference organized on the initiative of the Economic Chamber of Insurance and Risk Management which took place on May 19, 2004 in the premises of L. Koźmiński Academy of Management in Warsaw.

Equally critical observations concerning the changes in the model of agricultural insurance initiated by the realisation of the act of 28 July 1990, already from the perspective of 1993, were made by R. Nowak in the mentioned study. These included:

- insurance effects in the implementation of the new insurance model of the “rural market”, according to the scenario of the neoliberal economy;
- exceptionally low competitiveness on the agricultural insurance supply market²⁷, particular domination, because 90% of the agricultural insurance market portfolio in the period from 1991 to 1992 belonged to PZU S.A., a monopolist from the period of mandatory economy; the author writes, among others: “The newly established insurance companies (...) are struggling to conquer the countryside, not only because of the underdeveloped network of their representatives, but above all as a result of the low effectiveness of these insurances”;
- low culture of using insurance protection and quite common symptoms of circumventing insurance conditions, up to cases of attempts to extort compensation;
- non-acceptance by the agricultural sector of the system of proposed conservation conditions;
- the inadequacy of the general conditions of insurance (GTI) proposed by insurers for the sector to the conditions and financial possibilities of farmers;
- difficulties of insurance companies in the face of particularly onerous and difficult to meet requirements of protection profitability in the existing conditions of functioning of Polish agriculture²⁸.

26. C. Klimkowski, *Agricultural Production Insurance Market in Poland* [in:] *Insurance in the Polish Segment of the European Market AD 2004*, Warsaw, Publisher Leon Koźmiński Academy Enterprise and Management in Warsaw, 2002, p. 167–177.

27. In 2003, K. Rojewski, *Stan ubezpieczenia...*, op. cit., p. 93, writes about the insufficiency of product competitiveness on the market of business insurance and the continuing domination of PZU, even more than 10 years after the decision to create a competitive market of insurers.

28. M. Więckowski, *Zarządzanie ryzykiem powodzi – poszukiwanie nowych rozwiązań* [in:] *Ubezpieczenia w polskim obszarze rynku europejskiego. Wyzwania i oczekiwania*, Warsaw, Publisher IGUiOR, WSPiZ im. L. Koźmińskiego, 2003, p. 520–530; E. Wojciechowska-Lipka, *Ubezpieczenie od żywiołów w Polsce. Stan i perspektywy* [in:] *Ubezpieczenia w polskim obszarze rynku europejskiego. Wyzwania i oczekiwania*, Warsaw, IGUiOR, WSPiZ im. L. Koźmińskiego, 2003, p. 547–562 and K. Szymańska, *Ubezpieczenia powodzi stulecia*, “Wiadomości Ubezpieczeniowe” 1998, No. 3–4A, p. 9 et seq.

Returning to the observations about insurance effects, it is worth adding one more comment.

Basing himself on the quantitative and percentage effects of the results of Powszechny Zakład Ubezpieczeń S.A., which at that time held approximately 90% of the country's insurance portfolio, the author – justifiably – claims that after the first two years of conducting these insurances (1991–1992), the results of implementing the Act are even partial²⁹. From the tables presented by the author on the course of contractual insurance: cattle, pigs, horses, crops, movable property and buildings, only for the latter a little over 60% degree of protection universality was achieved in the group of 2.4 million farms. Even in this type of compulsory insurance, more than 39% of the potential of agricultural buildings was not insured, since the declaration and payment of the premium was a condition for granting this coverage³⁰, legally speaking, these facilities were not covered by insurance.

Similarly, the representative of PZU S.A. Danuta Wałcerz³¹ assesses negatively the state of Polish agricultural insurance at that time (1993), looking for the reasons of their crisis image also in the political essence and the state of social awareness as well as in the economic system of the country. He argues that: “In post-war Poland, business insurance was either compulsory insurance with a fairly broad scope, identified by society with taxation, or voluntary insurance, seen as a social rather than commercial activity”.

Referring to the crisis situation in the agricultural sector insurance, the author states that: “As a matter of fact, the only functioning insurance in the agricultural sector is the compulsory insurance (of buildings and civil liability). The total premiums from these insurances account for approximately 3% of domestic non-life insurance turnover (90% of which belongs to PZU S.A.)”³².

It considers this situation to be a transitory picture of the reluctance of agricultural sector operators towards insurance, caused by a loss of confidence due to the insurance compulsion imposed so far by the will of the state and the lack of insurance (financial) education of the population, which has not had the time and opportunity to learn to take care of its own health and property, regardless of its condition or size³³.

It should be stressed that the PRL model of insurance, which was relatively simple to implement, especially from the point of view of the insured, relatively cheap in terms of contributions (if only because of the universality resulting from the

29. R. Nowak, *Wczoraj i dziś...*, op. cit., s. 119.

30. In 1992, 1,466,764 insurance contracts were concluded. Even after 12 years of insurance implementation, still 20% of farmers do not take out compulsory insurance. See K. Rojewski, *Stan ubezpieczenia...*, op. cit., s. 94.

31. D. Wałcerz, *Powszechny Zakład Ubezpieczeń S.A. na polskim rynku ubezpieczeniowym [in:] U progu trzeciego stulecia ubezpieczeń*, Warsaw, PZU S.A., 1993. p. 75–82.

32. D. Wałcerz, *U progu...*, op. cit., s. 75.

33. *Ibidem*, p. 8.

compulsion), as well as with a guarantee of the insurer-monopolist's solvency in terms of benefits and compensation by means of the state budget)³⁴, did not induce the insured to undertake insurance education, from which the need to use other types of insurance cover than those already possessed might have emerged.

Assessing critically the history of insurance in the agricultural sector, S. Nowak also compares both models of Polish economic insurance of agriculture from the period of command economy and the one implemented after 1990. Namely, he argues that the new model of insurance cover applied to agriculture after 1990 resulted in a significant regression in insurance cover for the agricultural sector, which continues to have effects today.

The compulsory model of protection shaped for generations, based in fact on the principles of insurance reciprocity, functioning continuously at least since 1803, especially extended by the compulsory insurance on the majority of property and the protection of property interests of farmers during the period of the command economy – after 1990 was destroyed, including the organisational, analytical and statistical foundations.

Referring to the compulsory insurance of agricultural buildings and farmers' liability insurance, S. Nowak adds that the so far used formula of compulsory "protection for other, leading values in agriculture, without any prior economic and social analysis of the bases and conditions of their functioning" was abandoned³⁵. However, they concerned "particularly significant parts of the agricultural sector; property and that which has served the agricultural production of crops, which over the years have been subjected to increasingly adverse, extreme bioatmospheric conditions³⁶, and finally the farm animals, which are very important on smallholder farms.

The practical liquidation of the principle of universality of protection has led to the economic degradation of the remaining – apart from the obligation – types of agricultural insurance, depriving them of profitability through this liquidation of the principle³⁷.

The practice of conducting insurance with compulsory protection remaining in agriculture (for example, insurance of buildings, farmers' liability, motor liability) of 30 years of neoliberal economy confirms the thesis, that they meet their basic aim – stabilisation of property interests of farmers and their families, with relatively economically justified, possible to bear premiums³⁸.

34. During the vast majority of the period of insurance in agriculture under a command economy, the state budget took over insurance premiums, paying out the amounts of indemnities paid out from the budget and returning them to PZU. The state guaranteed the solvency of the insurer – PZU.

35. S. Nowak, *Problemy 25-lecia...*, op. cit., p. 103.

36. On the problematic of natural disasters at the beginning of the 21st century see E. Wojciechowska-Lipka *Ubezpieczenie od żywiołów...*, op. cit., p. 83–86.

37. S. Nowak, *Problemy 25-lecia...*, op. cit., p. 103.

38. For similar reasons, R. Zelwiański proposes their introduction in the formula of universality. See *O potrzebie powszechnego ubezpieczenia budynków od ognia i innych zdarzeń losowych – wybrane problemy*, "Rozprawy Ubezpieczeniowe" 2012, z. 12.

The state of insurance of Polish agriculture on the threshold of accession to the EU (2002–2003)

The state of the insurance of the Polish agriculture in the years 2002–2003 is shocking even by the images of the insurance crisis of this sector lasting on the threshold of the Polish accession to the EU and despite the fact that more than ten years of the market model of management has passed in the Polish agricultural sector.

Some literature on the subject³⁹ point to a number of crisis symptoms, such as the fact that about 23% of owners of buildings in agricultural holdings do not declare them for compulsory fire insurance, or to an extremely modest portfolio of voluntary agricultural insurance or to an excessively dominant position of PZU S.A. on the insurance market⁴⁰ practically eliminating competition, which is the basis for the functioning of a market economy.

Table 1. Percentage share of insurance use by insured persons in the insurance coverage provided by PZU SA in 2003

Type of insurance	Number of insurances (policies)	Percentage in relation to insurance field
Compulsory fire insurance for buildings on agricultural holdings	1,283,000	66%
Third-party liability for farmers	1,310,000	67%
Holdings	378,000	20%
Crops	44,000	2%
Cattle	48,000	2%
Horses	24,000	4%

Source: M. Kowalczyk, K. Rojewski, *The State of Agricultural Insurance in Poland as Exemplified by PZU S.A. [in:] Insurance in the Polish Segment of the European Market AD 2004*, Warsaw, Published by Leon Koźmiński Academy Enterprise and Management in Warsaw, 2004, p. 179.

39. Cf. e.g. M. Kowalczyk, K. Rojewski, *The State of Agricultural Insurance...*, op. cit., p. 178–181.

40. In the structure of premiums collected by PZU in the agricultural sector in 2003, 77% were insurance of buildings, 8% each came from farmers' liability insurance and agricultural movables insurance, 4% from crop insurance and 3% from personal insurance.

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Table 2. Mandatory insurance (third party liability and buildings insurance) for the agricultural sector in Poland, carried out by PZU in 2002

Type of insurance	Number of insurances (policies) in thousands	Premium collected in million PLN
Number of agricultural buildings in Poland	1498	291.8
Number of buildings insured with PZU	1319	258.5
Third party liability insurance for farmers in Poland	1506	32.7
Total Poland	3004	324.5
Total PZU S.A.	2667	286.7

M. Kowalczyk, K. Rojewski, The State of Agricultural Insurance in Poland as Exemplified by PZU S.A. [in:] Insurance in the Polish Segment of the European Market AD 2004, Warsaw, Published by Leon Koźmiński Academy Enterprise and Management in Warsaw, 2004, p. 179.

The next table presented by the authors: Agricultural sector insurance in PZU S.A., taking into account the percentage share of the company's operations on the insurance market, allows to approximate, on the one hand, the number of insurances and the value of insurance premiums and, on the other hand, the number of claims and the amounts of indemnities for the whole Polish agricultural sector insurance market.

The data allow us to show the size of the enterprise called economic insurance of agriculture in Poland, both in comparison with other kinds of insurance and the scale of deficiencies of agricultural insurance just before Poland's accession to the European Union.

Table 3. Insurance of the agricultural sector in PZU S.A. in 2001–2003

Type	Year	Insurance		Damages	
		number of insurances	premium	number	amount
Buildings	2001	1,357,340	252,552,406	33,136	109,698,638
	2002	1,319,404	258,456,891	59,526	129,498,413
	2003	1,283,312	252,848,833	12,556	66,075,293
Farmers' liability	2001	1,386,527	27,504,449	2,871	8,792,337
	2002	1,347,793	28,243,361	2,977	9,397,002
	2003	1,310,969	27,272,361	2,874	9,048,313

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Type	Year	Insurance		Damages	
		number of insurances	premium	number	amount
Movables	2001	393,514	23,342,373	4,354	11,840,015
	2002	405,725	25,431,134	2,792	8,780,144
	2003	377,981	24,996,439	2,448	8,556,326
Accident	2001	98,158	11,526,080	4,876	6,670,177
	2002	83,546	10,941,611	4,956	6,991,337
	2003	73,583	10,621,306	4,924	7,301,075
Crops	2000	51,373	9,285,273	3,817	6,157,678
	2001	45,289	9,866,508	6,182	21,178,653
	2002	66,307	12,297,520	2,457	10,126,658
	2003	44,056	14,030,723	4,982	15,117,944
Total	2001	3,280,828	324,791,816	51,419	158,179,820
	2002	3,222,775	335,370,518	72,708	164,793,553
	2003	3,089,901	329,769,661	27,784	106,098,951

Source: M. Kowalczyk, K. Rojewski, *The State of Agricultural Insurance in Poland as Exemplified by PZU S.A. [in:] Insurance in the Polish Segment of the European Market AD 2004, Warsaw, Published by Leon Koźmiński Academy Enterprise and Management in Warsaw, 2004, p. 181.*

The results of the analysis carried out so far allow to assume that during the systemic transformation in Poland the crisis on the agricultural insurance market appeared.

S. Nowak and J. Jagodziński discuss the substantive complexity of this concept, also on the grounds of social phenomena accompanying the processes of insurance protection, the times of political transformation, not always insurable phenomena or phenomena not included in the offers of insurance protection by insurance companies.

Returning to the traditional risks threatening the means of production and crops in agriculture, it should be recalled that in the discussed period of political and insurance transformation after 1990, Polish agriculture was hit by particularly harmful catastrophic events, such as floods or droughts⁴¹, poor overwintering or spring frosts.

41. In 2003 it affected 3 million hectares of agricultural land, leading to significant damage to about 200 thousand agricultural holdings. Cf. C. Klimkowski, *Agricultural Production Insurance...*, op. cit., p. 169.

Among these, the flood of 1997 was particularly notable for the dramatic nature of its consequences, the scope and extent of the damage, which quickly became, in addition to the economic losses of billions of euros in national assets (especially in agriculture), a political and even electoral element⁴².

The summer 1997 flood cost the Polish economy over USD 2 billion, of which the losses of Polish agriculture, with damage to 130,000 farms, were estimated at PLN 700 million, largely covered by European reinsurers⁴³.

In the ongoing contemporary discussion on the advantages and disadvantages of the effects of the systemic transformation already visible in Poland, Polish agriculture together with its human and material rural infrastructure is very often included in those spheres of social and economic life of the transformation period which belong to the definite beneficiaries of that transformation.

This phenomenon, from the perspective of more than 30 years since the end of the command economy, appeared somewhat unexpectedly, given the conservatism of attitudes and opinions previously attributed to these circles, also with regard to the then opinions on the need to join EU structures (if only due to the widespread scepticism about social trends in the then modern part of Europe).

Today, after more than 30 years of functioning, the Polish agricultural sector is often indicated as a solid producer skill-fully using EU funds.

For even if criticism of the forms of subsidies for farming and peasant farms is quite frequent, one cannot fail to notice the positive effects of this support policy.

Summarising the transformations that have taken place in these spheres of life and economy, one can say that agriculture and its socio-economic environment from the end of the command economy are not the same anymore. Anyway the visible achievements and comparison to others show that both from the point of view of behaviour within this part of Polish society and the externalised attitudes a significant progress in relation to the modern agricultural economy of Europe has been noted.

In the constructed model of insurance for agriculture, an important place belongs to both economic and social insurance⁴⁴. At the same time, when it comes to the place and comparison of the role of both these spheres of insurance, the sphere of social security, despite still many shortcomings, seems to be more progressive

42. S. Nowak, *Problemy 25-lecia...*, op. cit., p. 100.

43. See E. Wojciechowska-Lipka, *Ubezpieczenia w rolnictwie...*, op. cit.; C. Klimkowski, *Agricultural Production Insurance...*, op. cit., p. 168; S. Nowak, *Problemy 25-lecia...*, op. cit., p. 100–101.

44. More about social insurance of farmers: M. Podstawka, *Problemy związane z reformowaniem systemu ubezpieczeń społecznych rolników* [in:] *Ubezpieczenia na rzecz gospodarki globalnej sektorów i regionów*, ed. I. Jędrzejczyk, Warsaw, Oficyna Wydawnicza E. Mitek, 2015, p. 174–182.

than the first one, i.e. economic insurance, which since the regress caused by the liquidation of the property insurance system *ex lege*, valid since 1990 in the new model of market insurance, is still undergoing a period of a clear crisis, also in terms of fulfilling a number of their functions, in particular their protective function (principles of universality, reality and even completeness) and preventive function (in the material part – financing of security measures)⁴⁵.

The abandonment of the realisation of a wide range of generic insurance coverage, its universality in terms of subject matter (generating higher prices for unitary protection), the abolition of compulsion for most forms of insurance, the emerging divergence in the interests of policyholders (the insured) and those offering protection (also due to restrictions on the scope, price and fullness of protection), have led to a demonstrated collapse in the need for the continuation of insurance, even only in the current economic risks⁴⁶.

Moreover, in the new formulas for the fulfilment of insurance coverage by a potentially multi-stakeholder group of insurers, the social prerequisites for this activity have been reduced to actions taken, as a rule, in the insurer's interest.

This is the case with the tasks of fulfilling an important objective of the insurance business: the preventive function. Benefits financing preventive undertakings have been practically abandoned in most insurance companies. It is worth mentioning that in the period of the command economy PZU, as a monopolist, was obliged to allocate 6–10% of the due premium to a prevention fund, which carried out a number of investments improving security in various spheres of life of the members of the insured communities⁴⁷.

45. On crises in agriculture see S. Nowak, *Problemy 25-lecia...*, op. cit., p. 95–104.

46. On the needs to improve the insurance market from the perspective of the beginning of the second decade of the 21st century, see I. Jędrzejczyk, *Ubezpieczenia wobec celów rozwoju regionalnego w świetle dokumentów strategicznych UE* [in:] *Regionalny program rozwoju na tle strategii UE "Europa 2020" z uwzględnieniem roli ubezpieczeń na przykładzie województwa świętokrzyskiego*, Warsaw 2012, p. 11–24.

47. See e.g. E. Kreid, *Siła płynąca z wiekowych tradycji* [in:] *U progu trzeciego stulecia ubezpieczeń*, Warsaw, PZU S.A., 1993, p. 159.

Instead of a summary

The analysis of the course of processes securing life and health of inhabitants of rural areas and agricultural economy with insurance methods, realised in the period from adopting by Poland the market principles of management until the time of accession to the European Union in 2004, proves that these processes should be classified as exceptionally insufficient in relation to the needs and expectations of potentially interested parties.

This statement applies both to the demand side of the insurance market, i.e. agriculture and rural areas which, after the period of universal insurance protection in the times of the command economy, were limited to the residual scope of this protection (of the order of a few percent of their potential), as well as to the supply side of the insurance market, when the offers of a few insurers from the insurance market turned out to be exceptionally scarce in terms of products, expensive in terms of premiums, incomplete in terms of quality.

The years from 1990, i.e. from the liquidation of the system of compulsory insurance of the agricultural sector (carried out in the system of compulsory insurance *ex lege*) to 2004, i.e. Poland's accession to the EU, were the times of the collapse of the insurance market in agriculture, the social and economic effects of which are felt by this sector of economy and inhabitants of rural areas to this day, still expecting a sanitation programme for agricultural insurance (especially semi-subsistence). Such a programme should be a consequence of both the new pro-development policy of the state, taking into account the effects of the affiliation of the Polish agricultural sector and the population connected with it to the EU structures, and the indication of the conditions and directions of further development, marked by the needs of rural areas and agriculture.

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