Addendum No 4

Lublin, 23 th Jun 2015.

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First – person narrative summary

1. Name

Rafal Pożdzik

2. Diplomas, academic / art degrees- with the name, place and year of acquisition.

In the years 1995 - 2000, I studied on the Faculty of Law and Administration at Maria Curie-Skłodowska University in Lublin (UMCS). I finished my studies in 2000, obtaining a master's degree of law. In the years 2000 - 2003, I had a judicial application, out of regular job. I finished it in 2003, making a positive judicial exam. In 2005, I received the title of Doctor of Law by preparing and defending a doctoral thesis: "Exclusivity Clauses in Distribution Arrangements. The Study of Anti-monopoly Law ", under the guidance of Prof. Ryszard Skubisz. On January 26, 2006, I got the entry on the list of legal advisers, as a part of the Regional Chamber of Legal Advisers in Lublin.

3. The information on previous employment in academic / artistic entities.

In the years 1999 - 2000, I had an internship at the Chair of the European Communities - the Faculty of Law and Administration at the Maria Curie - Sklodowska University in Lublin. From October 1, 2000 to February 28, 2006, I worked as the assistant at the Law Department of the EC WPiA UMCS in Lublin. From March 1, 2006 until now, I am working as the assistant professor at the European Union Law Department, at Maria Curie-Skłodowska University in Lublin.

4. The indication of achievements under Art. 16 paragraph 2 of the Act of March 14, 2003, on academic degrees and titles and on degrees and title in the area of art (Journals of Laws No. 65, item. 595, as amended):

a) (author / authors, title / titles of publication, year of publication, name of the publisher)

After obtaining the Doctor of Law degree, as the most important scientific achievement, that represents a significant contribution to the development of science of law and thus fulfills the criteria laid down in Art. 16 paragraph 2 of the Act of March 14, 2003, on academic degrees and title and on degrees and title in the area of art (Journals of Laws of 2003. No. 65, pos. 595 as amended), I would like to indicate a monograph: Rafał Poździk *"The Evaluation and Selection of Projects for Funding from the European Regional Development Fund, the European Social Fund and the Cohesion Fund."* Warsaw 2013, Sejm Publishing House, pp. 461

b) The elaboration on the scientific / artistic purpose of the aforementioned thesis and on the achieved results, with the elaboration on their possible use.

The monograph *"The Evaluation and Selection of Projects for Funding from the European Regional Development Fund, the European Social Fund and the Cohesion Fund."*, is the first comprehensive study in the Polish legal literature on the legal character of the evaluation and selection of projects co-financed from EU funds, as well as on the analysis of the control procedures of judicial - administrative decisions refusing to EU support. The monograph also undertook an attempt to systematize and to synthesize the rich legacy of existing jurisprudence of administrative courts in this subject. Therefore, the purpose of the research, carried out for the monograph, is to fill a gap in the Polish legal literature. The existing studies on the evaluation and selection of projects, and the control of these proceedings, do not constitute a comprehensive analysis because they only have a fragmented and introducing character to this issue.

Studies conducted in the monograph, relate to the applicable rules during the programming period in 2007-2013. It should be emphasized that since the reform of the regional policy in 1988, EU institutions, for the duration of the multiannual financial framework, take a "package" of legislative acts that establish the regulations of co-financing EU projects. Changes to the legal bases are needed every 7 years, due to modifications of cohesion policy priorities and to the need of taking into account its current effects. However, the basic procedures for the projects selection, the expenditure eligibility or the irregularities

detection do not undergo the significant modification in subsequent programming periods. Therefore, analyzes and conclusions included in the monograph content, are universal and remain valid also in the context of the financial perspective for the years 2014-2020.

The entry into force of the new legislation at EU level implies a need for changes in the Polish legal system, despite the fact that EU standards are set at the level of regulations in the field of cohesion policy. It is related to the principle of shared management (Art. 310, paragraph 5 and Art. 317 of the Treaty on the European Union Functioning), according to which the European Commission and EU Member States are responsible in parallel for the implementation of the EU general budget. In consequence, national regulations are applicable to the scope not regulated at the level of rules. EU regulations oblige Poland, as a Member State, to adopt appropriate procedures, in particular regulations generally applicable, to ensure the proper system of management and functioning of EU funds distribution. At the same time, in this scope, EU rules establish the principle of autonomy, which means that spending EU funds is carried out in accordance with the institutional system and the legal right for each Member State, except the cases where EU law clearly imposes appropriate legal solutions and procedures.

Regardless of the obligations to EU law, public administration bodies are connected by the regulations of the national constitutional order, in particular the principles presented in the Constitution of the Republic of Poland. With a view to the constitutional standards, procedures for establishing the rules and for selecting projects, then - the control of the regularity of their execution and settlement, should be included in generally applicable regulations. This assertion was confirmed by the Constitutional Court in its judgment in December 12, 2011. In P 1/11 (Journals of Laws of December 27,2011. No. 279, item. 1644).

The primary objective of the monograph is to analyze the legal character of the assessment procedures and the selection of projects to be financed from EU funds. The additional purpose is to answer the question whether such procedures are lucid, whether they provide the equal access to aid for all concerned people, whether they realize the standards of a democratic state ruled by law and do not violate other constitutional principles and whether they properly fulfill the obligations arising from EU rules.

Such distincted purposes of monograph allow to accept the following thesis:

- EU rules confer the autonomy of Member States both in terms of shaping a system of evaluation and selection of projects, as well as in the choice of legal way_that ensure adequate administrative and legal-administrative control proceedings in case of refusal of support from EU funds;

- administrative proceedings, which contribution is to grant or to refuse co-financing from EU funds, are related to public authority performing and end with the issuance of an administrative settlement;
- administrative proceedings on the evaluation and selection of projects to be financed from EU funds, have to fulfil the standards of a democratic state ruled by law and provide a guarantee that the projects selected for support will be in accordance with EU law and national legislation. In addition, these proceedings have to guarant that they are the best contribution to achieve objectives of the EU cohesion policy;
- the pace and formalization of administrative proceedings on the evaluation and selection of projects could not justify violation of the rules laid down in the Constitution of the Republic of Poland. In particular, it is the restriction of the right to an effective way to appeal against a negative evaluation of the project, the right to trial and to regulate the rights and obligations of the participants in the proceedings outside the system of the universally applicable law;
- Administrative courts are competent to control the legality of administrative judicial decisions about the negative evaluation of projects, but they could not replace public administration bodies, responsible for carrying out the competition proceedings, in the assessment of the quality of projects.

The research carried out in the monograph is multifaceted and based on two research methods. The historical method give the possibility to determine how the system of evaluation and selection of projects gradually changed, transforming itself from a simple and centralized system towards a decentralized and complex national system. What is more, the use of this method, enabled to determine how the distribution system of the EU funds in Poland developed and how its inspection procedures were created gradually by the public authorities . At the same time, there was a presentation of the investigation process of opening the courts in order to allow to control the correctness of the decision of grant refusing from EU funding. A formal-dogmatic method enabled to analyze and to evaluate the legal acts that create the system of Polish and EU law sources. The research was supported by the use of the available literature, to analyze the doctrinal statements regarding the problems discussed in the monograph. In addition, the process of research was supported by the extensive case law and its interpretation. Therefore, in the monograph, the analysis of the decisions taken in the process of applying the law by national courts and the EU is widely concerned.

In order to achieve purposes of the research and to prove the set of theses, the monograph was separated into seven chapters.

In the first chapter, the analysis of EU legislation was introduced, in order to establish the principles that should be followed at national level during the proceedings related to the selection of projects for support from EU funds. What is more, in the first chapter, I attempted to determine whether there was an inclusion of guidances to Member States at EU level, in terms of administrative proceedings related to the evaluation and selection of projects. In addition, to the analysis of the regulations during the programming period of 2007-2013, the principles and procedures in the previous financial perspectives were presented, as well as the establishment of the new programming period of 2014-2020. The purpose of such an historical approach is the need of demonstration how the award system at EU level varied, with particular reference to the decentralization process. The purpose of the research is to establish the legal standard in this area, which is necessary for later analysis of national regulations. The analysis of regulations was supplemented by referring to the case law of the EU Courts and the interpretation contained therein. It should be emphasized that the ability to formulate effective allegations of breaches of EU laws on appeal or the court is limited, because they mostly have a systemic and jurisdictional character and they indicate only the general principles of management and control of EU funds. The content of the EU rules determines that the transfer of subsidies from EU funds should be based on the agreement, and have to be preceded by a special public procedure, which is initiated by the submission of an application by the interested entity. The competent institution has to inform each applicant about the decision taken on his/her application for project financing and provide an appropriate justification. Therefore, the EU law clearly distinguishes two steps related with grants from the general budget, ie. a decision to grant or refuse a support, and then - the conclusion of the grant agreement.

In the second chapter, I would like to present the EU regulations which violation might affect the legality assessment of the refusing decision to grant from the EU general budget. These regulations were divided into three categories: general, special for budgetary grants and related to the implementation of cohesion policy. In addition, the rules resulted from legal articles, that regulate the granting of public aid from EU funds, were discussed in this chapter. During the evaluation of projects, the incorrect verification whether the awarded grant would not violate the ban on public aid is a common cause of mistakes. The judicial and administrative control at the national level must effectively verify whether the refusal to aid grant from EU funds does not violate EU rules on the extent of public aid admissibility. In addition, within the scope of forensic - administrative verification of the assessment accuracy and projects selection, the appealing applicant might bring charges against the incompatibility of the national regulations or of the administrative practice with the general principles of EU law. Administrative proceedings on the assessment of the projects has to be formed in a way that respects general rules and does not make conditions for applicants that

are less favorable than the arrangements applied in similar situations to protect the rights of individuals arising solely from Polish internal law.

The third chapter analyzes the national legislation in the years 2000 - 2006, that are relevant to the evaluation of projects. Subsequently, it investigates the choice of grant support or refusal and judicial-administrative control of these proceedings. This chapter analyzes both legal regulations and programming documents, in order to present the applicable standards of evaluation and control. The historical analysis is necessary in order to compare whether the currently used control system of projects evaluation is more effective and whether it implements experiences of the previous programming period. The Act on the National Development Planning, in a current programming period, stipulated that the submitting procedure and the grant application pattern should be regulated in decrees stated by relevant Ministers. On the basis of this law, the implementing regulations were issued, which contain procedural requirements, concerning mechanisms for applying for funding and patterns of competition documentation. This way of regulation did not raise any objections as regards the reference to the Constitution of the Republic of Poland.

The fourth chapter describes the national legislation and program documents adopted within the framework of the financial perspective for 2007-2013. In that period, the implementation and monitoring of competition proceedings results systems were based on one act and a large number of lower rank documents, that had no universally binding law-force. The aim of the research is to establish a legal framework that define the standards for procedures associated with the evaluation and selection of projects. Particularly important is to determine what kind of a legal character has the outcome of the competition, which is the granting or refusing act of co-financing from EU funds.

In the fifth chapter, the different types of projects and modes of their choice are presented, in order to determine the rules and procedures that have to be followed - to guarantee that a potential refusal is lawful. First of all, it is necessary to examine what is the legal character and the scope of proceedings related to the selection of projects or to the rejection of projects support. In particular, it concerns the analysis of the evaluation criteria role, the competition committee rights and the so-called competition law legal force. In this chapter, the catalogue of rules applicable during the evaluation of projects was defined - with the analysis of how they are controlled in order to be respect properly by relevant institutions. In this regard, a special part is played by the case law of the administrative courts.

The purpose of the next chapter is to discuss the form and the scope of remedies that are entitled to every applicant whose project received a negative evaluation. This section presents the evolution of the appeal proceedings and its variation - depending on the operational program and the analysis of the implications flowing from the judgment of the

Constitutional Tribunal of December 12, 2011. In this chapter, the legal solutions, in the field of sue remedies for refuse support, were discussed.

In the last chapter, the scheme of the legality judicial review for competition proceedings was presented. A particular emphasis was put on the assessment of distinctiveness in relation to the standard procedure in administrative courts and the border definition of the court power to challenge the merits of the project - the so-called adjudication depth.

At the end of the monograph, the conclusions of *de lege lata* and *de lege ferenda* were indicated. They were partially included in the content of the Act of August 29,2014, on the implementation principles of programs funded by cohesion policy in the 2014-2020 financial perspective (Journals of Laws of August 29, 2014 pos. in 1146, then appointed as Implementation Act). Considering the fact that in practice, the issue of the legality of national procedures for evaluating and selecting projects still raises objections (see Constitutional Court's judgment of February 5, 2015. On SK 50/13, Journals of Laws of 2015, pos. 227), the analysis contained within a monograph could be useful during the current programming period.

In the time of EU funds distribution in 2007-2013, Polish legislator did not avoid serious legislation mistakes. In particular, in the initial phase of implementation, the right to sue was excluded.

Furthermore, under the Tribunal's judgment of December 12, 2011, some of the key provisions of the Act of December 6, 2006, on the development policy principles (Journals of Laws of 2006 No. 227, item. 1658, then appointed as uzppr) were recognized as incompatible with standard control model, described in art. 87 of the RP Constitution. The violation of this Basic Law norms was associated with regulating the rights and obligations of applicants, including remedies, outside the sources of universally binding law. The arrangements of Litigation - administrative uzppr proceedings also raised objections, which was confirmed in the justification of the Constitutional Tribunal judgment on October 30, 2012.

In a democratic state ruled by law, that implements the principles of social justice, it is necessary to teach and apply the rules governing the proceedings in a way that ensures the realization of the right to the court, in accordance with Art. 45 paragraph. 1 and Art. 77 paragraph. 2 of the RP Constitution. In order to ensure a compliance with this constitutional principle, the administrative courts had to correct the mistakes of the legislator, in the way of proper interpretation of the uzppr provisions.

According to the analysis carried out in the monograph, performing a forensic - administrative legality control or compliance (non-compliance) with the right decision of administrative bodies on the negative assessment of the project and the negative outcome

of the appeal, requires the establishment of a legal standard, according to which this verification would be carried out. The administrative courts control in that respect, based on the so-called informal (non-systemic) legal norms, are contained in the operational program system implementing or in the guidelines of competent minister and could only be performed in accordance with generally applicable relevant laws. The administrative court, as unrelated to these outside-normative regulations (Art. 178, paragraph 1 of the RP Constitution) reviews their compliance with universally binding law and, in case of incompatible or legislative gaps, gives them priority and predicates the decision on the generally applicable regulations.

Administrative courts, despite some interpretational problems, played a key role in determining the standard of legal protection for participants in competition proceedings during the programming period in 2007-2013. The legality is the primary judicial criterion of the validity control of a project negative assessment. The pattern of legality control in that respect is multifaceted. First of all, it consists of the court examination of the national rules conformity, contained in the regulations generally applicable to the standards of higher rank - the Polish RP Constitution and EU law. In the second stage, the court examines the compatibility of the regulations contained in the documents that create the system of operational program realisation (in particular, the selection criteria and rules of competitions), with the rules generally applicable. Then, the court controls the lawfulness of the committee members evaluation of projects and the regularity of the appeal procedure, in terms of its completeness, clarity, lucidity and impartiality. The key for the recognition of assessment and / or settlement in the area for legal remedy, is to conclude a comprehensive and logical justification and evaluation / outcome of the appeal.

In the jurisprudence of administrative courts it was rightly emphasized that mistakes made by the experts (the lack of a proper reasons statement, the lack of a sufficient knowledge and experience) might result in the recognition of project, regarded as unlawful, and in setting a case aside for reconsideration. However, neither the public authorities nor the administrative court does not have the power to intervene in the substantive validity of expert opinion because they do not have a special information that the expert has. The authority conducting the contest should, in the case of a two conflicting experts opinions, carefully analyze their content and ask the experts for a possible correction of the evaluation adjustment, or for the in-depth explanation of a presented position. If there are two conflicting opinions, it could not be assumed that each of them has a probative value and that together they might form a basis to resolve a negative evaluation of the project. The decision power granted to the experts, even in the form implied, by the connection of the authority with an expert position in the competition procedure, is incompatible with its role as defined in the regulations generally applicable.

A selection of the civil form of action, as the basis for transferring subsidies from EU funds, should be regarded as a positive aspect. In contrast, the introduction of elements of civil administrative proceedings, which subject is the evaluation and the selection of projects for funding, should be regarded as defective. Proceedings in the subject of project evaluation and selection are based on the administrative competence. A characteristic feature of administrative and legal relation is the position of entities of this legal relation, which consist in the fact that the right is granted to one of the participants of this relationship (to a public authority) - it is the right of unilaterally authoritative predication on the legal sphere of other entities. Because of this elementary feature, it should be conducted in accordance with the rules laid down in the Act of June 14, 1960. - Code of Administrative Procedure (Journals of Laws of 2000., No. 98, item. 1071, as amended. D., further invoked as "the Administrative Procedure Code"). and in accordance with the regulations of a public sphere matters range. The administrative authorities, after assessing the project, accept or refuse the grant support. In making these decisions, they perform authoritatively their public duties, acting in the name and on behalf of the state. Thus, the administrative act of accepting or refusing to grant financing from EU funds (project selection) is an authoritative intent statement of the public administration body, that specifies the particular legal situation of the applicant in an individual case. Unfortunately, the national legislation that establishes a basis for the evaluation and selection of projects, does not diverge significantly the civil and the administrative tasks. The legislator departs from the form of an administrative decision in an artificial manner, with the violation of legal standards, and he directs to an "alleged" civil law procedures, undertaken by the public authorities against individuals. By creating such a defective legislation, effective protection of individuals against unlawful acts of public administrations was not guaranteed.

EU law uses the term of "decision" in relation to the act of granting the co-financing to the ongoing operations. Thus, in the course of competition proceedings as administrative, that ends with the administrative decision, the regulations of the Administrative Procedure Code should have a suitable application. To the scope necessary to ensure the rapid and efficient distribution of EU funds, a modification or exclusion of certain regulations of the Administrative Procedure Code should be reasonable (eg. the modification of proceeding terms, the exclusion of the obligation to take the evidence proceedings in a full dimension). As a result, the approach taken in the legislation uzppr should be evaluated critically, as well as in case of the implementation act, that consists in excluding the application of the Code of Administrative Proceedings. This method of regulation makes worse the legal position of the applicants, in relation to the entities benefiting from the guarantees provided in the Administrative Code, which violates the principle of loyal cooperation laid down in EU law.

Using the competition as the basic form of the selection of projects for funding should be regarded as the correct procedure. The competition, even though organized by public authorities, involves the idea of voluntary participation, because using the possibilities of support is a right, not a duty of the applicant. The scope and the content of the obligations imposed on participants of competitions are limited by the principle of equal access to the support, lucidity and proportionality. Especially the last principle was successfully applied by the administrative courts, in order to alleviate the principle of formalism and the limitations of applying the absolute requirement for the proficient conduct of the contest.

As the analysis carried out in the monograph indicates, during forensic - administrative control of the legality decisions with a negative assessment of the project, doubts about its scope were raised and - more specifically - the ability to challenge the meritoric (qualitative) assessment of the project by the administrative court. At the level of EU regulations, any guidance in this regard could not be found. At the same time, any EU regulation does not exclude the possibility of project meritoric verification accuracy of the refusal of selection for financing by the competent institution, during the inspection led by the administrative courts. The meritoric assessment at the basis of selection and refusal to grant does not remain outside the scope of forensic-administrative control. During the inspection, the design could not be chosen, but in case of transgressions, the matter is referred to the re-evaluation, which is carried out by the competent authority of public administration. In addition, for a better effectiveness of forensic - administrative control, it has to cover the entire project evaluation, and thus, also on basis of merit. However, the administrative court could not take the role of another expert, because it does not have the special information. What is more, the court does not have the possibility of appointing an expert in order to get his opinion. In such an administrative statement, the law court could not argue with the assessments of experts with relevant knowledge and experience in a particular subject area of the assessment criteria. The task of the administrative court is only to check validity of the regulations used during the evaluation, which also includes the control of applicable procedures. The court could not revise the points awarded during the assessment, or recommend how many points should be granted in the case of referral the matter for reconsideration.

In the area of administrative matters analyzed in the monograph, related to the evaluation and selection of projects, the administrative court is not a court on the matter's essence (on basis of merit).

In the consequence, it could not replace the institution that organizes the competition in assessing the quality of the project. In contrast, it has the right to control whether the project evaluation on basis of merit was just and impartial. During this control, the administrative court should verify the conclusion of such an assessment, in particular, if the circumstances,

which determined the number of points awarded under the individual evaluation criteria, were fully explained. In addition, during the verification of the project assessment part on basis of merit, the court is authorized to verify the completeness and clarity on the criteria of that assessment. The administrative court might modify the scope or the content of the projects evaluation criterion if it considers that leaving the criterion in its original form would constitute a breach of generally applicable rules.

Regarding the analysis contained in the monograph, it is necessary to organize the legal status of forming the basis of proceedings in matters of evaluation and selection of projects, which would have a positive impact on the dealing insurance and on strengthening in society the confidence in the sense of justice. Under the procedures associated with the distribution of EU funds, the respect for the democratic rule of law should be regarded as a basic standard. This principle is closely linked to the guarantee obligation to individuals applying for EU grants - it is the obligation of the subjective right to appeal against any decision rendered in first instance proceedings with the public administration authorities in accordance with Art. 78 of the Constitution. A constitutional ban for worsening a legal situation of the applicant during the appeal is also a standard. In addition, the national regulations on granting EU subsidies could not restrict the right to judge. It is worth to remember that it is not only the right to a court judgment (the formal availability of the legal action), but also a real opportunity to find a judicial protection, including the right to benefit from a just judicial procedure, in accordance with the requirements of fairness and openness.

In order to ensure the proper pace of administrative procedures on the evaluation and selection of projects for support from the European Union, the legislator could not ignore the fundamental regulations common to all Member States. The pace of European funds distribution could not be the aim by itself and could not justify a violation of the fundamental guarantees arising from the functioning of a democratic state ruled by law.

5. The discussion of other research and development (artistic) achievements.

Other research and development achievements were presented in accordance with the requirements of Regulation of the Minister of Science and Higher Education on 1 September 2011., on the matter of assessing achievements criteria for the person applying for the award of a PhD degree (Journals of Laws No. 196, item. 1165).

My current interests and research achievements were focused on the application of the European Union law, with a particular emphasis on the competition law and the policy consistency areas. In the initial period and after obtaining the doctor of law degree, the burden of the scientific work was focused on the competition law. To some extent, it was a

natural continuation of research conducted during the preparation of the thesis. Above all, the choice of scientific interests was a consequence of Polish membership in the EU structures. On the other hand, exploring the issues associated with granting EU subsidies for projects results from given functions of deputy director and director of the bodies responsible for implementing EU funds.

The full list of all publications is included in the Annex No. 5.

a) The evaluation criteria of scientific achievements, in the field of habilitation candidate research, cover, in accordance with § 3, point 2, the area of social sciences - authorship or co-authorship of scientific publications in journals in the Journal Citation Reports (JCR) database or in the list of European Reference Index for the Humanities (ERIH).

My research interests concern the issues of competition law and issues related to the granting of subsidies from EU funds. These issues do not fully correspond with a foreign journals indicated in §3 regulation. Therefore, I do not published journal articles in the journals included in the *Journal Citation Reports (JCR)* database. In turn, the list of scientific journals of the *European Reference Index for the Humanities (ERIH)*, which consists of elected magazines of fifteen humanity and social sciences disciplines, currently does not contain journals in the field of legal sciences.

b) evaluation criteria of achievements in scientific - research habilitation candidate in accordance with § 4 in / in regulation, in all areas of knowledge.

1) The authorship or co-authorship of monographs, scientific publications in international or national journals other than those contained in databases or in the list referred to in §3, for a given area of expertise.
2) The authorship or co-authorship appropriate for a given area of collective studies, catalogs, research documentation, expertises, opuses and works of art.

Regarding the intersecting issues of my scientific - research, criteria included in two points of § 4 a/m the regulations were discussed together. My scientific - research achievements include of 42 items, of which 30 scientific publications were published after my doctoral thesis defense. I am the author and co-author of 12 books. Published comments, analysis and glosses concern mostly issues that previously were not the subject of in-depth studies in Polish legal literature. The initial publications include legal issues relating to restrictive agreements, with particular emphasis on distribution agreements. Currently, my

research is focused on the issue of subsidies from EU funds, in particular in the context of protecting the rights of the individual in the course of administrative procedures for the evaluation and selection of projects. I am also the author and co-author of publications on issues related to the application of EU law at national level.

Achievements in the field of competition law

Regarding the analysis of the antitrust rules, the significant stream of research are the issues related to the prohibition of agreements restricting competition. The presence of competition is undoubtedly a benefit, from the social and economic point of view. On the other hand, the dynamic development of market relations led to the appearance of practices that violate the mercantile integrity and economic freedom. As a result of inefficiency of market participants, the biggest losses belong to the weakest units, namely - to consumers and small businesses. One of the instruments to ensure the proper work of the competition mechanism is antitrust, also called antitrust law and competition law. The effect of the progressive introduction of free market mechanisms in Poland was the reception of institutions that were present for a long time in the common market legal relations. For me, it was the impulse to address the issue of the protection to the free competition, while leaving a certain freedom for entrepreneurs - to deploy their offerings in the markets effectively. In the early stage of my research, I devoted several publications to the analysis of the use of new forms of distribution legality, from the point of view of the competition law: *"Distribution of motor vehicles (remarks against the judgment of the Court of First Instance of the European Communities in regard to the Volkswagen Group)" - European Union Law No. 4 / 2001; "Exclusivity clauses in the agreements of restricting competition (due to the background of Polish anti-monopoly law)",* part. I the European Union Law No 3/2002, Part. II European Union Law No. 4/2002; D. Miąsik, R. Pożdzik, D. Miąsik, R. Pożdzik, *"Cars distribution and Polish membership in the European Union* (Part. I), European Union Law No 3/2004, (Vol. II), European Union Law No. 4/2004; *"The European Community Competition Law. The Case Law "*, Volume 2, Decisions of the CFI in the years 1990-2004, the elboration and introduction A. Jurkowska, T.Skoczny, Warsaw 2005. (contributor), pp. 489-500.

The crowning achievement of my research was the publication of the monograph *„Dystrybucja produktów na zasadzie wyłączności w Polsce i Unii Europejskiej",* Lublin 2006, ss. 329. In this work I analyzed the distribution agreements that cover several named and unnamed agreements categories and agreed market company behaviors. The main feature of these agreements is a functioning sides at different levels of trade. Particular attention was devoted to discussing the use of exclusivity clauses in the content of these agreements. The exclusivity clauses designate certain contractual regulations which reserve certain

powers or commit to a procedure established between the sides. The reservation of exclusivity might relate to: a certain territory (exclusive distribution, selective, agency, commission, franchising), a range of goods (exclusive purchasing obligations and non-competition clause) or to a group of customers. In the objective monograph, I attempt to prove the thesis that, according to the regulation, it is permissible to use exclusivity clauses in distribution arrangements. More specifically, I attempted to determine when the exclusive reservation would not be legal, because could cause, potentially or actually, a significant reduction (or elimination) in-brand competition and inter-brand competition by closing the market for other products, in other territories or for other entrepreneurs.

During my later research, I continued scientific works on practical aspects of the competition law application. The Polish and EU court jurisdictions are an excellent tool to verify the accuracy of law regulations. During that time, I published several treatises in which I attempted to evaluate selected court decisions: *"The European community competition law. The case law."*, Volume 3, The ECJ judgement in 1990-2004, the elaboration and introduction by A. Jurkowska, T. Skoczny, Warsaw 2006. (contributor); *"The case law of the community courts in competition matters in 1964-2004"*, ed. T. Skoczny, A. Jurkowska, Warsaw 2007 (contributor); *„Does a selection of contractors in a public tender constitute an infringement of a prohibition of competition restricting agreement? Case comment to the judgment of Supreme Court of April 25, 2007 – Stalexport (Ref. No. III SK 3/07)",* Yearbook of Antitrust and Regulatory Studies Vol. 2008 1(1).

From this period of my research work, for a special attention deserves "*Gloss to the Supreme Court on 23 July 2008. (III CZP 52/08)* ", Jurisprudence Courts of Polish No. 7-8 / 2009, p. 603-606. In this publication, sharing the agreement with the thesis and justification of gloss judgment, I completed it with the additional interpretive directives. According to the analysis contained in this study, the common courts are empowered to determine the existence or the lack of existence of restrictive competition practice, without the necessity of waiting for The President of the Office of Competition and Consumer Protection decision.

On the other hand, in the context of "T*he Act on Competition and Consumer Protection - Commentary"*, ed., Prof. T. Skoczny, Warsaw 2009, I carried out a thorough analysis of regulations that establish an exemption from the prohibition of restricting competition agreements in the section of cars and auto parts distribution.

Achievements in the field of cohesion policy

The process of integration within the EU requires the introduction of regulations on cohesion policy. In accordance with this policy, the EU finances projects that have a direct or indirect impact on strengthening the homogeneous market by equalizing the level of Member

States regions development. Therefore, EU funds are expected to contribute to strengthening the countries cohesion and, consequently, to bring a balanced level of development across the EU.

The next financial perspectives represent a great opportunity for Polish development. Although, it is not enough to direct the adequate flow of money from the EU general budget. The proper use of EU funds is dependent directly on the establishment of an effective system of the legal assessment and the projects selection. I devoted several publications to the subject of efficient, effective and legitimate process of evaluation and selection of projects for funding. In the book "*The European Union funds. The rules of projects financing out of the European Union funds in Poland in 2007-2013*", ed. I Lublin 2008, I analyzed the basis of legal and program system of granting from EU funds. In the publication, I presented the outline of evaluation system, and then, on this basis, the outline of the projects selection within individual operational programs. I emphasized the need for a proper control of administrative proceedings for refusing to the EU grant. This control should be realized at the level of institutions participating in the implementation system, as well as by independent courts. In subsequent editions of this book, including the edition developed together with M. Lejcyk, I presented additional analyzes on all aspects related to the implementation of EU funds.

For the proper assessment and the selection of projects, and then, for the control of the use of EU funds, the appropriate authorities in the Member States are responsible in the first row. In the matter of given autonomy, Poland has the competence to regulate the jurisdiction and procedures for the recognition of cases, in order to protect the rights of applicants for support from EU funds. I devoted four publications to this subject: *"Forensic and Administrative control of the projects selection regularity on a competitive basis*, Euro Expert No. 1/2009; *"The judicial review of the evaluation of projects financed from EU funds on the example of the Operational Innovative Programme Economy"* - the European Judicial Overview No. 3/2010, pp. 26-34; K. Brysiewicz, R. Pożdzik, *The legal course in matters relating to projects co-financed by the Structural Funds and the Cohesion Fund,* the Judicial Overview No. 4/2011; *"Gloss on the Constitutional Court's judgment on October 30, 2012. In the matter of SK 8/12,"* Studies Iuridica Lublinnesia "2013, Volume XX.

The negative assessment of the project might result from some shortcomings on the side of the entity that applies for a grant. It is very important for the denying aid decision to be objective and for the applied criteria - to be neutral and clear. Thus, regarding the EU subsidies, an appropriate legal framework, with respect for the principle of equal treatment for all applicants, should be created. The article "The principle of equal access to assistance from the Structural Funds and the Cohesion Fund, Review of Court No. 11-12 / 2011. was dedicated to this issue.

To the equally essential issue, relates the article K. Brysiewicz, R. Pożdzik, *The evaluation and selection system of projects to be financed from EU funds in Poland* - remarks against the judgment of the Constitutional Tribunal of December 12, 2011. (Q 1/11), the European Judicial Overview No. 10/2012. In this text, together with K. Brysiewicz, we present an analysis indicating that the law situation regularization of the contestants outside the laws generally applicable should be regarded as unacceptable and incompatible with constitutional standards. Regulations relating to the establishment of rights and obligations of the contest participants should be included in the act, not in the documents included in the systems for operational programs implementing.

A separate issue, from the perspective of assessing the legality of projects, is the assessment of the legal status of criteria for the selection and connecting with them the administrative courts. In the course of the analysis presented in the article "*Gloss to the ruling of the Supreme Administrative Court on October 28, 2010, in the matter of II GSK 1178/10, "Studies Iuridica Lublinnesia" 2011*, Volume XVI, I came to the conclusion that the legislature did not admit to administrative courts the right to challenge the law adopted by the competent institutions of the methodology for the division of criteria for the selection. Therefore, the Administrative Court is related to the method of criteria selection created in the system of the operational program implementation. Moreover, accepting the NSA thesis about the mistakes committed during the expert's aid usage in the legal case, it is unacceptable to approve the position that reliable and impartial evaluation of the project everytime has to take place with the participation of an expert. The above mentioned analyzes ars supplemented by the text: *"The legal character of the project selection criteria - remarks against the judgment of the Constitutional Tribunal of February 10, 2015 r. On SK 50/13*, Ius Novum (submitted for publication).

Irregularities during the projects implementation constitute the main reason for the return of EU aid. I devoted three articles to this problem: *"Gloss to the resolution of the Supreme Administrative Court on October 27,2014, II GPS 2/2014"* The case law of the Polish Courts No. 6/2015.; *"The obligation to repay the aid from the Structural Funds and the Cohesion Fund by the Member States*, the European Judicial Overview No. 3/2012; *"Decisions about the return of EU funds in practice, implementation of the Regional Operational Programmes (ROP)*, Local Government No. 7-8 / 2013. In these elaborations, I presented the main reason for the return of aid, under EU regulations and the jurisprudence of the EU courts, as well as the nature of the legal proceedings concerning the repayment of the grant. The analysis carried out in these texts helped also to answer the question whether the obligation to recover the duty of the Member State is always related to the irregularities detected in the projects implementation.

In the latest elaboration: *"The rules of implementation of EU funds in the period 2014 - 2020"*, the European Court Overview 12/2014, I analyzed EU and national regulations adopted for the time of validity of the new programming period. In the light of the new regulations, obtaining the aid would be more difficult, but EU investments should be more efficient. The important change is the shift away from the widespread use of non-repayable grants for financial instruments. Polish funds implementation system has to undergo modifications in order to be simplified and be more amicable for beneficiaries. The in-depth analysis of these issues is available in the book submitted for publication: M. Dołowiec, D. Harasimiuk, M. Metlerska - Drabik, J. Ostałowski, R. Poździk, A. Wołyniec - Ostrowska, *"The Act on the Regulations of the Implementation of Cohesion Policy Operational Programs Financed in the Financial Perspective 2014 - 2020 Commentary*, ed. R . Poździk (sent to the Sejm Publishing House in January 2015).

The achievements in other areas related to the application of EU law

During my current scientific research, I managed to take a voice in the discussion about the issues related to the application of EU law in Poland. In the article: A. Dudzic, R. Poździk *"The acquisition of real estates in Poland by individuals and legal entities from the European Union (Due to the background of the negotiating position)"* - Notary No. 12/2002, together with A. Dudzic, I took up the analysis of the legal regulations on the subject of the property acquisition. The entrance to the EU structures enabled people coming from EU member states the acquisition of Polish real estates. In the accession treaty, the transitional periods were introduced. Their application was also sanctioned in the national legislation. In the publication *"The legal status of Charter of Fundamental Rights of the European Union after its incorporation into primary law [in] the systemic - political dimension of the EU Constitutional Treaty,* Pultusk 2004, I attempted to assess the legal character of the Charter of Fundamental Rights of the EU, at the time when it was not yet a part of the primary law. I drew attention to the problems that may occur during its implementation at the national level.

There are numerous problems of interpretation connected with the application of EU rules. Their proper adjustment might have the impact on the protection of the individuals interests. Together with P. Sawczuk, I took up the analysis of one of those issues in the article *"The excise duty on passenger cars (Notes due to the background of Polish and European law)"*. The European Judicial Overview No 3/2005. The content of this publication

presents that the Polish regulations violated the Treaties, because they introduced an excise duty which discriminated against products from other Member States.

The legal assessment of the additional tax liability was also the area of my interest. According to my research, in the publication *"Additional tax to VAT. Gloss to the judgment of the Regional Administrative Court in Lublin of February 3, 2006 (ref. No. I SA / Lu 488/05, unpublished)"*, The European Judicial Overview 2/2007, I rejected the statement of administrative courts that everything that is not prohibited by the Sixth Directive, is permitted. In terms of VAT taxes, Poland is enabled only to those procedures which are exhaustively described in the Sixth Directive and other acts of secondary law. Taking into account the well-established case law of the EU courts, the lack of the necessary notification procedure does not allow Poland to apply a special 30% additional tax liability.

In the article "*Unfair bank practices that violate the interests of consumers on the example of credit cards"*, the European Court Review No 3/2008, I analyzed the problem connected with credit cards advertising, i.e. the information for consumers about banking products and related services. In the proccess of credit cards advertising, bank institutions do not inform consumers about the high costs that are hidden. This publication proves that such practices could lead to the abandonment that cause a misleading. The analysis of such practices was based on EU legislation, on the Act of August 23, 2007, about counteraction to the commercial practices, and on the Art. 385^1 of the Civil Code.

3) managing the international research projects or participation in such projects - NO

4) international or national awards for scientific or artistic work - NO

5) Presenting papers at the national and international thematic conferences

I. The conference "Intelligent and sustainable economy that fosters the social inclusion - challenges for the legal systems of the European Union and the Member States", June 14-16, 2015 Gródek nad Dunajcem, Jagiellonian University in Cracow, the paper "Legal aspects of sharing spatial data in a digital form";

II. The conference "Modern broadband network as the basis for an information system of the city", September 24-25, 2014 Toruń, the paper "Digital Agenda for Europe: state of implementation by Poland".

III. IX Congress of the Electronic Economy, June 12, 2014. Warsaw, Polish Bank Association, the paper "E-Government financing under the new final perspective for the years 2014-2020".

IV. The conference "Profit or loss? A decade of Polish membership in the EU. Legal, economic and political aspects", Warsaw, March 28, 2014. Łazarski University, the paper "Legal problems of absorption of EU funds in Poland".

V. The conference "Development of public e-services of 2014-2020 in Silesian Voivodeship. Similar needs - common projects?" , Szczyrk December 10-11, 2013, the paper: "Coordination of investments in the field of e-government in Poland";

VI. The conference "Public procurement in IT projects implemented under the 7th priority axis of the Programme of Innovative Economy", November 7, 2013, Warsaw, Implementing Authority for European Programmes, paper: *"The impact of public procurement law to the efficiency and accuracy of investments in the area of public services digitalisation from EU funds."*

VII. The conference "Informatics Forum XXI in the administration - new perspectives, new problems, old conditioning," 17-19.10.2013 r. Żelechów, paper: "Efficiency of investment in ICT infrastructure from EU funds in 2007-2013";

VIII. The conference "The local government in Poland and Germany", May 24, 2013, the Warsaw Management University, the paper: "Implementation of projects in the field of information society building by LGU on the example of procedures taken by 8.3 OPIE".

c) The criteria for evaluation in terms of popularizing educational achievements and international cooperation of habilitation candidate, in accordance with § 5 a.m. regulation, in all areas of science.

1) participation in European programs and other international or national programs

In the period from March 2, 2009 until to January 9, 2012, as the Deputy Director of the Information Society Department of the Ministry of Internal Affairs and Administration, and then from January 9, 2012 until July 27, 2014. as the Deputy Director and Head of Department at the Ministry of Structural Funds Administration and Digitization, I participated in implementation of VII and VIII priority axis of the Operational Programme Innovative Economy, as a representative of Intermediate Body. During carrying out these responsibilities, I dealt with matters related to management and implementation of IT projects undertaken by the government and entrepreneurs from EU funds. In addition, I participated directly in the implementation of technical assistance projects financed under the ninth priority axis of OPIE. Since July 28, 2014 until January 28, 2015 I held the position of Deputy Director of the Department of Human Capital Development of the Ministry of

Administration and Digitization, acting as the Intermediate Body for the 5.2 of the Human Capital Operational Programme *"Strengthening the potential of the local government".*

2) participation in international and national scientific conferences or participation in the organizational committee of these conferences - **Annex No. 8**

3) managing projects carried out in collaboration with researchers from other Polish and foreign centers, in the subject of applied research in collaboration with entrepreneurs - **NO**

4) participation in editorial committees and journals scientific councils - **NO**

5) membership in international or national organizations and scientific societies

I am a member of the Center for Antitrust and Regulatory Studies at the Faculty of Management at the Warsaw University and a reviewer of the internet Antitrust and Regulatory Quarterly.

6) the didactic achievement and accomplishment in the popularization of science and art - **Annex No. 7**

7) scientific supervision of students and doctors in the course of specialization

I am a promoter of dozens of licentiate and master's degree theses defended by the students of law and administration at the Faculty of Law of MCSU. Furthermore, I am a promoter of dozens of dissertations within the "*Postgraduate Studies in Structural Funds Management"* held on UMCS as well as postgraduate studies "*Master of Business Administration*" at Lublin University of Technology, conducted in cooperation with US universities - the University of Illinois and the University of Minnesota. I was also a tutor in a branch of the European Students' Forum (AEGEE) in Lublin.

8) internships at foreign or national scientific or academic centers - **NO**

9) participation in expert and competition groups

In the years 2010 - 2014 I was a member and an expert of the Committee of Ministers of the Council of digitization. During the work for this Committee, I gave opinions on projects for the implementation of e-government in Poland. I was also a contributor in several reviews related to the financing, execution and settlement of EU projects for public administration. Within the framework established by the Minister of Administration and Digitization Team Preparation program for the development of computerization in Poland, I am a contributor of "Integrated Computerization Programme for 2020". The document was adopted on January 8, 2014 by the Council of Ministers. Moreover, in the years 2010 - 2015 I was a member of the Inter-Ministerial Team for Programming and Implementation of the Structural Funds and the Cohesion Fund of the European Union. In this period, I was also a member of the Monitoring Committee of the Innovative Economy Operational Programme.