Appendix no. 3

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SUMMARY OF ACHIEVEMENTS PRESENTING A DESCRIPTION OF THE WORK AND ACHIEVEMENTS OF THE HABILITATION CANDIDATE

1. Name

Grzegorz Koksanowicz

2. Diplomas and academic/artistic degrees – with the name, place and year of their award and the title of the doctoral dissertation.

- 1992-1995: master's programme at the Maria Curie Skłodowska University of Lublin, Faculty of Law and Administration, major: law
- 1995: master's exam and award of the Master of Laws title at the Maria Curie Skłodowska University of Lublin, Faculty of Law and Administration
- 1991 – 1997: master's programme at the Maria Curie Skłodowska University of Lublin, Faculty of Political Sciences
- 1997: master's exam and award of the Master in Political Sciences title at the Maria Curie Skłodowska University of Lublin, Faculty of Political Sciences
- 1996 – 1998 judicial training
- 1998 – judicial exam passed
- 2002- 2004 – legal adviser training at the Lublin District Chamber of Legal Advisers
- 2004 – legal adviser's exam passed
- 2007: defence of the doctoral dissertation entitled *Prawny model kierownictwa Sejmem w świetle Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., [Legal model of managing the Sejm in the light of the Constitution of the Republic of Poland of 2 April 1997]* and the award of the academic title of Doctor of Laws at the Maria Curie Skłodowska University of Lublin, Faculty of Law and Administration. Advisor: Prof. dr

hab. Ewa Gdulewicz, reviewers: prof. dr hab. Marcin Kudej, prof. dr hab. Wiesław Skrzydło

3. Information on previous employment in academic entities

- 01.11.1998 – 30.09.2007 – assistant lecturer at the Department of Constitutional Law at the Faculty of Law and Administration, Maria Curie Skłodowska University of Lublin.
- 1.10.2007 to present – assistant professor at the Department of Constitutional Law at the Faculty of Law and Administration, Maria Curie Skłodowska University of Lublin.
- 2005 – 2006 – University College of Enterprise and Administration in Lublin (WSPA), (employment under a civil-law contract)
- 1.03.2005 – 1.07.2007 – Bishop Jan Chrapek College of Business in Radom (employment under a civil-law contract)
- 2008 – 2009 Jan Zamoyski College of Humanities (employment under a civil-law contract)
- 1.02.2007 – 15.09.2012 – College of Humanities and Life Sciences Studium Generale Sandomiriense in Sandomierz (since 1.10.2007 – employment contract under labour law)

4. Specification of the achievement pursuant to Article 16(2) of the Act of 14 March 2003 on academic degrees and academic title and degrees and title in arts (Journal of Laws of 2017, item 1789);

a) title of the scientific achievement/achievement in arts

Monograph: *Kluby poselskie w strukturze i pracach Sejmu Rzeczypospolitej Polskiej [Parliamentary caucuses in the structure and operation of the Polish Sejm].*

b) (author(s), publication title(s), year of issue, name of the publisher, editorial reviewers)

Grzegorz Koksanowicz, *Kluby poselskie w strukturze i pracach Sejmu Rzeczypospolitej Polskiej,Toruń* 2019, Wydawnictwo Adam Marszałek, pp. 328, ISBN: 978-83-8180-028-0

The editorial reviewers of the monograph were prof. dr hab. Sabina Grabowska, professor of URz and dr hab. Krzysztof Eckhardt, professor of WSPiA Rzeszowska Szkoła Wyższa.

c) description of the scientific/artistic aim of the work(s) and the results achieved, along with the description of their possible application

The monograph to be assessed addresses the issue of parliamentary caucuses in the structure and operation of the Polish Sejm.

The choice of the topic of the monograph resulted first of all from the lack of an up-to-date and detailed study discussing in a comprehensive way the subject matter from the perspective of certain principles of parliamentary democracy. Previous pieces on the subjects, although certainly important and constituting a significant contribution to the development of science in the area of functioning of political parties in the Parliament, are either a fragmentary approach to this issue or does not sufficiently take into account the values derived from the supreme principles of the Constitution, significant for the functioning of parliamentary caucuses in the Sejm, forming a parliamentary representation of political parties.

Issues related to the functioning of the Sejm are an area characterised by high volatility. This is due to the fact that the "driving force" of parliamentary mechanisms is political parties which play a fundamental role both at the stage of creating the composition of the Sejm and in the process of its functioning. The cyclical nature of general elections means that, in principle, each term of the Sejm is characterised by its own specificity. The electoral result of groups competing in elections decides on the arrangement of political forces in the Sejm, which in turn determines the course of political processes to build a parliamentary majority, select a government and support its activities, and establish an opposition whose role is to contest government actions and present their own alternative concepts of national policy. The leading role of political parties in the mechanism of exercising state power is widely accepted in modern democratic countries. Political parties, when striving to achieve their goals, use the activity of their members. Thus, the consequence of the electoral process is the integration of deputies in the Sejm around certain values and ideas that had been supported by voters. This is done by using the legally adopted forms of self-organisation of deputies in the Sejm, first of all in parliamentary caucuses or deputies' groups.

The main purpose of the monograph is to attempt to identify the role of parliamentary caucuses in the Sejm in the context of selected principles of parliamentary democracy, as well as to answer the question whether the current normative solutions referring to parliamentary clubs sufficiently implement the values rooted in these principles. The problem thus formulated requires analysis on two levels of research. The first refers to the axiological and

normative foundations for the establishment and functioning of parliamentary caucuses, while the second concerns their legal and actual possibilities of exerting influence on the establishment of internal organs of the Sejm and influencing its work.

The characteristic feature of the problems at issue is the close and functional relationship between political parties and parliamentary caucuses, not resulting directly from the applicable law but actually existing. This link is one of the elements that considerably determine the perception of parliamentary caucuses in the Sejm. The intertwining between the issues of political parties and parliamentary caucuses, the coexistence of these entities in the environment of principles of parliamentary democracy, and the practice of functioning of the representation of political parties in the Sejm, makes this issue complex and multifaceted.

The starting point for the observations contained in the presented monograph is the statement that the principles of parliamentary democracy, especially the principle of political pluralism, the principle of political representation and the principle of parliamentary system of government, have a major impact on the status of parliamentary caucuses. The special role of political parties in the system of government results directly from Article 11(1) of the Constitution, according to which the purpose of their activity is to influence, with democratic means, on the formation of state policies. Political parties achieve this goal in particular through parliamentary mechanisms, which is manifested in practice in the activity of parliamentary caucuses bringing together their members on a political basis. The vision of the national interest presented by parties during the campaign and positively verified on the election day translates into a concrete election result. Winning the majority of seats ensures the possibility of its implementation. At the same time, however, representatives of the parliamentary minority have an identical mandate to represent the will of the Nation and should be guaranteed to "effectively represent" in the parliament the interest of the sovereign perceived in a different way. The logic of the parliamentary system of government creates a clear division between political forces into the ruling majority and the opposition, assigning each of them specific functions. Each of the above-mentioned constitutional principles expresses specific values that should be taken into account both in the legal solutions regarding parliamentary factions and in the practice of their functioning in the Sejm. The embodiment of these values requires the establishment of appropriate guarantees at the normative level. This is the basis for the fundamental thesis of this study, according to which the currently applicable regulations do not sufficiently guarantee the implementation of these values in the parliamentary activity of parliamentary caucuses representing political parties in the Sejm.

For this reason, the aim of the presented monograph is also to formulate postulates aimed at supplementing the constitutional regulation with issues related to the functioning of parliamentary caucuses in the parliament and strengthening their significance in the sphere of rules of procedure.

The basic method used in the process of preparing a monograph was the formal-dogmatic method based on both the analysis of legal acts and the views of scholars of constitutional law. The method of historical analysis has also been used as an auxiliary method, in particular with regard to examination of the methodology of shaping the composition of internal organs of the Sejm and their functioning over the recent terms of the Sejm. The empirical method was also essential for the verification of the research assumptions adopted, by means of which normative regulations adopted in the Sejm's rules of procedure were confronted with parliamentary practice.

The structure of the monograph has been subordinated to these research goals. The construction of the dissertation includes two parts, which consist of five chapters. The first part is of a dogmatic nature, while the second is postulative.

Chapter I, of a theoretical and dogmatic nature, addresses the issue of axiological foundations for establishing parliamentary caucuses. The key issue of this part of the publication is the question of identification of the consequences of application of selected systemic rules for the formation of unions of parliamentarians grouping their members under the political principle. The constitutional principles of political pluralism, representation and parliamentary system of government are of great importance to this issue. Article 11(1) of the Constitution provides for the freedom to establish political parties. Pursuant to the findings of the Constitutional Tribunal, "the freedom of establishing parliamentary groups constitutes an element of general freedom of establishing a political party and, as such, it should be recognized as a constitutional freedom". The consequence of this finding is the need to ensure the conditions for the implementation of the freedom to establish parliamentary factions, subject to admissible restrictions, primarily in terms of meeting the numerical criteria required for the establishment of a caucus, set out in the Sejm's rules of procedure. At the constitutional level, the goal of political parties was defined as "influencing the formation of state policy". It should be noted that the addressee of the norm of Article 11 (1) of the Constitution are, to the same extent, the parties that constitute the parliamentary majority as well as the parliamentary minority, which means that they both must be guaranteed the possibility of its implementation in the course of parliamentary activity. This finding is an important point of reference for the assessment of legal solutions governing the functioning of

parliamentary groups. While determining the goal of political parties at the constitutional level, the constitutional legislature ignored the aspect of its implementation in the parliament. It has has not even outlined the forms of its implementation, apparently assuming that the general rules of democracy are sufficient guarantees in this regard. By referring to them, it can be concisely stated that they essence is the exercise of power by a parliamentary majority, with respecting the rights of a parliamentary minority at the same time. The first of these claims is obvious. The second can be implemented in practice to varying degrees, hence the need to establish normative guarantees in this respect.

The subject of parliamentary caucuses are closely related with the principles of representation and the parliamentary system of government. The functioning of PMs holding a mandate that is free in relation to the role of the faction, regardless of whether belonging to the parliamentary majority or to the opposition, the attempts by the authorities of caucuses to influence their members has given rise to a number of problems, mostly theoretical ones. The flagship example is in this respect the so-called discipline of voting. This issue, considered in the context of the model of a free mandate, belongs to the group of the most complex issues. On the one hand, the normative perspective of a free mandate guarantees independence for the deputy, and on the other hand, the dependencies between the deputy and the political party, on behalf of which he assumed the mandate, cannot be eliminated. The club discipline is a political form of unifying the activities of deputies for the sake of pursuit of a common political option, undoubtedly remains in conflict with the libertarian nature of the mandate. This conflict is, however, an inevitable consequence of the contemporary parliamentary model. The practice often resolves this conflict by essentially modifying the findings made by scholars of constitutional law.

A feature of parliamentary-cabinet governments is that the elected government enjoyed the lasting confidence of the parliamentary majority. Therefore, the fundamental issue is the search for a mechanism that will allow to build it the majority. Consolidation of parliamentary forces requires the creation of certain structures to secure the uniformity of actions aimed at supporting the elected Council of Ministers, as well as the proper coordination of activities between this majority and the government. The parliamentary caucuses have a crucial role to play in this respect. At the same time, the very assumptions of the parliamentary system include the existence of parliamentary opposition, which does not participate in the formation of the government, but is a programme alternative to its activities, and is perceived as a kind of information medium about the actual state of public affairs to inform the public opinion. Like the ruling majority, also the opposition, in order to effectively

fulfil its role, makes use of the possibility of organising the deputies in parliamentary caucuses. Thanks to these structures, it gains a wider opportunity to contest the government action, first of all by using the statutory powers provided for caucuses and influencing the uniformity of positions taken by deputies who are members of the opposition caucus.

Chapter II addresses normative regulation of the issue of setting up parliamentary caucuses. On the level of universally binding law, this regulation is very scarce. The reason for this is the assumption that this matter is covered by the principle of autonomy of the chambers of parliament. The dogmatic analysis of the provisions of the Act on the performance of a deputy's and senator's mandate and the provisions of the Sejm's rules of procedure related to the issue of establishment of parliamentary caucuses includes the forms of organising deputies in parliamentary caucuses and confronting statutory norms with parliamentary practice. The discussion covers the issue of formal requirements related to the creation of parliamentary caucuses, in particular the minimum number of caucus members or the obligation of these entities to notify the Marshal (Speaker) of the Sejm the content of their internal regulations, the problem of their compliance with the universally binding law and the related issue of admissibility of interference by the Marshal of the Sejm in the sphere of creating caucuses.

The most important issues from the point of view of parliamentary caucuses, concerning the possibility of their exerting real influence on the composition of the internal organs of the Sejm and on the activity and course of its work, are included in Chapters III and IV of the monograph. These planes also clearly reveal the division of parliamentary factions into the ruling majority and the opposition. Traditionally, the executive and auxiliary bodies are distinguished in the structure of internal organs of the Sejm. The procedure for the election of the Marshal and the Praesidium of the Sejm has been specified in the rules of procedure, but it does not provide for any rights for the parliamentary caucuses in this respect. In practice, however, it is these entities who play the primary role in choosing the Marshal and deputy Marshals of the Sejm. For the parliamentary majority, the election of the Marshal of the Sejm is particularly important. The parliamentary tradition developed in Poland does not make the Marshal an apolitical moderator of the works of the chamber that will settle disputes in an impartial manner between the ruling majority and the opposition, and guarding the observance of the rights of the parliamentary minority. On the contrary – the Marshal always comes from the ruling camp, takes part in parliamentary debates and votes as a member of his own caucus. Despite that tradition, it cannot be said that it was accepted by opposition caucuses. Practice suggests that a situation often happened when the

parliamentary minority caucuses in the Marshal election procedure submitted their candidate, as well as openly contested and still contest decisions of the Marshal which are a manifestation of the preference for his own caucus.

The issue of shaping the parliamentary composition of the Praesidium in the context of the constitutional principles of parliamentary democracy may raise certain reservations. First of all, it should be noted that the norms of rules of procedure create the possibility of forming the composition of the Praesidium in a manner that takes into account the assumptions of the principle of political pluralism. In this case, the determination of the number of deputy Marshals by the Sejm by a resolution is of crucial importance. The rules and regulation of the Sejm do not, however, guarantee all caucuses established at the time when the Sejm is constituted the right to have its representative in the Praesidium. Therefore, it is the parliamentary majority which ultimately determines the representativeness of the Praesidium of the Sejm which raises important reservations in context of the said principles.

As regards the subsidiary bodies, the issue of the representativeness of their compositions results, to a certain extent, from applicable regulations, but also from parliamentary practice. The Council of Senior Members is an example of an organ whose composition was formed by norms of the rules of procedure, including the right to sit therein for representatives of all the parliamentary caucuses. The composition of this body, determined independently of the will of the parliamentary majority, as well as the role assigned to it, strictly correspond to the assumptions of the principle of political pluralism. The political diversity of the Sejm is also reflected in the composition of parliamentary committees. In this case, however, the issue of representativeness to a small extent results from the provisions. This applies to the Committee for European Union Affairs, an extraordinary committee appointed by the Sejm to consider the bill on the amendment of the Constitution, and an inquiry committee. As a rule, however, the composition of standing committees in the Sejm is formed based on the so-called political parity creates only as a result of parliamentary practice. Its determination precedes the division of these committees into three categories: large, medium and small, which also results from the parliamentary custom. However, the general approval for this practice does not change the assessment that due to its volatility, it does not constitute a sufficient guarantee of a proportional participation in the committees for representatives of the parliamentary minority.

The aim of the parliamentary caucuses representing the political parties in parliament is to influence the activities of the Sejm and its internal bodies. Their rights in this respect, due to the fact that they mainly concern the intra-parliamentary area, result from the Sejm's

rules of procedure. Analysis of its provisions allows to distinguish three levels within which parliamentary factions have the opportunity to pursue the goal of their activity. The first one is the exercise of rights reserved directly for Sejm caucuses. The second is the activity undertaken in the field of the rules of procedure formula of cooperation between the caucuses in matters related to the activity and course of the Sejm's work as part of the Council of Senior Members. The third is the use of rights provided for parliamentary groups bringing together at least 15 deputies. The exercise of the above rights by parliamentary caucuses allows on the one hand to state that the role of these associations is greater than it would result from reading the provisions of the regulations referring directly to powers of the caucuses, on the other, it should be stressed that they function in the system of parliamentary forces determined by electoral result. This last circumstance, as the practice suggests, fundamentally modifies the first of the conclusions, primarily in relation to opposition caucuses, which makes one seriously consider changing the existing legal solutions.

The last chapter of the monograph is of a postulative nature. The analysis of existing legal solutions in the context of chosen constitutional principles, including parliamentary practice and the fact that parliamentary groups function in a bipolar arrangement resulting from the parliamentary system of government, prompted me to submit proposals for changes aimed at guaranteeing, in particular to caucuses of the parliamentary minority, real influence on activity of the Sejm. Their main motive is to oppose the understanding of parliamentary democracy as a regime based solely on the existence of an arithmetical majority. An important point of reference for the postulates presented in this chapter were the findings on the functioning of parliaments in other modern democratic countries. The proposals for strengthening caucuses included in this chapter assume their constitutionalisation. Raising the significance of the institution of parliamentary caucuses to the rank of a constitutional institution, due to the close relationship between both the principle of political pluralism and the principle of representation, would constitute a more detailed description of these principles and at the same time guarantee the implementation of the values resulting from them. I considered the proposal of restitution of a collegial model of managing the work of the Sejm worth deliberating. Such a solution, combined with the proposed guarantee to ensure that each club established at the time of constituting the Sejm has the right to have representation in the Praesidium of the Sejm. Due to the fact that the work of parliamentary groups takes place at the premises of the Sejm whose internal organisation and agenda is regulated by the Sejm's rules of procedure, the demands for strengthening the parliamentary caucuses have also been formulated in relation to norms of the rules of procedure. It is

important to give the so-called principle of parity the political nature of a regulatory norm and covering by it not only the composition of the Sejm committees but also the composition of their praesidia. It could also apply to the function of chairpersons of Sejm committees. The proposed changes to the rules of procedure of the Sejm aim to strengthen the role of opposition caucuses in the sphere of organisation of the Sejms 's work, as well as in the sphere of specific parliamentary procedures, in particular those related to law making. Regarding the first sphere, it is important to grant the parliamentary minority the power to shape, to a certain extent, the agenda of sessions of the Sejm. It is also important that they have the opportunity to convoke an additional meeting of the Sejm in order to conduct a debate on current, crucial matters from the sphere of the functioning of the state. The bodies that ensure the cooperation of parliamentary groups play an important role in today's parliaments. In my opinion, current solutions relating to the Council of Senior Members require modification. First of all, the procedure for requesting to convene the Council of Senior Members during the meeting of the Sejm should be made more specific. The current practice of using the procedure for submitting formal motions, especially the proceeding of these motions, is subject to uniform rules. It also happens that due to the rigorism set out in this procedure, no decision is taken at all on the convocation or refusal to convene the Council of Senior Members. It should be stressed that the Sejm's rules of procedure designate the Council of Senior Members with the task of ensuring the cooperation between caucuses in matters related to the activity and course of the Sejm's work. In the context of this function, one should advocate for the extension of the list of cases, for the settlement of which it would be mandatory to seek the opinion of this body.

With regard to the second sphere, it is necessary to strengthen the role of parliamentary minority caucuses in the field of parliamentary procedures, in particular the legislative procedure. Proposed changes increasing the importance of caucuses in this respect must take into account the right of the parliamentary majority to finally shape the content of the legislative act. However, it seems reasonable to postulate changes that, although to a limited extent, would take into account the right of opposition caucuses to effectively carry out a legislative initiative, in the sense that these initiatives were subject to the substantive proceeding in the Sejm. Postulates submitted in the area of the legislative procedure are also aimed at excluding situations in which the actions of the majority limit or prevent minority caucuses from presenting their own positions on the subject of proposed regulations. To this end, the possibility of taking the decision to shorten the seven-day deadline, which in the light of the provisions of the rules of procedure should lapse between the delivery of the draft and

the first reading, was limited. It seems that it would be reasonable to require a qualified majority to decide on this matter. It is also important that in the course of the committee's work, members of the opposition caucuses participating in them should have the opportunity to freely present their positions, especially substantiating the amendments proposed. Last but not least, it is important to guarantee that the representatives of opposition caucuses will be able to hold a public hearing, which ensures a wider debate with the participation of third party entities and can contribute to the improvement of the draft provisions to a large extent. It would be also important from the point of view of guaranteeing the rights of the parliamentary minority caucuses to modify the procedure for amending the Sejm's rules of procedure. Current solutions allow the current parliamentary majority to unilaterally decide on its content, and thus also to adopt solutions to limit the rights of opposition caucuses.

The relations between parliamentary majority caucuses and opposition caucuses constitute an important element of a democratic state. The disproportion of rights between them, which limits the possibility of exercising rights by the opposition or deprives it of its rights, may lead to a situation in which democratic institutions in the state will only operate in the formal sphere. Such a "sensitive" sphere should therefore be subjected to normative requirements. It is also possible to shape these relations through custom or parliamentary practice. It should be noted, however, that such a way of shaping relations, and above all their durability, effectiveness and actual significance in terms of respecting the rights of minority caucuses, depends to a large extent on the level of legal and political culture. Fairly numerous occurrence of various guarantees of minority caucus rights in legal solutions of contemporary democratic states indicate that this issue is not only not a "legislative taboo". On the contrary - it is subject to legal regulation, and not only at the level of internal regulations of the chambers of parliaments, but also at the constitutional level. From this perspective, Polish normative solutions referring to the issue of parliamentary caucuses seem to be quite scarce.

The issue of parliamentary caucuses analysed from the point of view of selected principles of parliamentary democracy indicates the need to strengthen the importance of parliamentary minority caucuses. The guarantee of unfettered presentation of positions by opposition caucuses should be deemed necessary. It is also reasonable to strive for solutions that ensure for all caucuses to have a real impact on the functioning of the parliamentary chamber, although in a diversified range resulting from membership in the ruling coalition or opposition. It is worth noting that guarantees to respect minority rights are important not only for that minority itself, but they have a broader meaning: they implement the assumptions of the democratic system, affect the quality of governance, and they launch mechanisms of

parliamentary control. The close links between parliamentary caucuses with the issues of political parties, and their actual role in the Sejm, fully justify considering these entities an essential element of the functioning of the political system.

The deliberations contained in this monograph, in particular the proposals to strengthen the role of parliamentary caucuses, do not preclude the final shape of possible future normative solutions. They only indicate the desired direction of changes in the current legal situation. The postulates put forward above are supposed to be an opinion voiced in the discussion on the issue of coexistence in the Sejm of the ruling majority caucuses and opposition caucuses.

5. Description of other scientific achievements

5.1. Introduction

Other scientific and research achievements include publication activities and active participation in scientific conferences. These achievements will be described based on the characteristics of scientific interests, taking into account the main research topics tackled in the publications and papers, and some basic research results will be indicated. Having been awarded the degree of Doctor of Legal Sciences I focused my scientific activity on varied subjects. It covers mainly the issues related to the study of constitutional law and the problems of territorial and professional self-government. The basic directions of scientific and research activity are focused around four main areas, characterised below.

5.2. Managing bodies of the Polish Sejm

In the political system of each democratic state, the Parliament has a special place. This is determined by its representative character, tasks defined by the political system, and the autonomy resulting from the principle of separation of powers in relation to other segments of state authorities. The proper functioning of a chamber of Parliament requires a specific structure of internal bodies. An important role in this structure is played by the managing bodies, which hold essential powers relating to the organisation of the work of the chamber. My area of research includes issues concerning the evolution of the managing bodies of the Polish Sejm(G. Koksanowicz, *Ewolucja organów kierowniczych Sejmu w okresie transformacji ustrojowej 1989-1997* [Evolution of the managing bodies of the Sejm during the period of political transformation 1989-1997], [in:] *25 lat transformacji ustrojowej w Polsce i w Europie Środkowo-Wschodniej* [25 years of political transformation in Poland and Central and Eastern Europe], eds. E. Gdulewicz, W. Orłowski, S. Patyra, Lublin 2015, pp. 289-298; G. Koksanowicz, *Evolution of the constitutional and legal position of the Marshal of the Sejm of the Republic of Poland*, "Przegląd Prawa Konstytucyjnego" 2018, no. 6, pp. 105-115).

The analyses and conclusions presented in these studies focused both on the issue of the legal position of the Marshal of the Sejm and the Praesidium of the Sejm. Establishing the legal systemic position of the Marshal of the Sejm required research on two levels. The first one is related to his role as an internal body of the Sejm, the second one is related to his

responsibilities that go beyond the area of parliamentary affairs, in particular those related to the functioning of the entire system of state authorities. Synthetically presenting the results of the research, it should be stated that the Marshal of the Sejm, from the time of Poland's regaining independence to the present day, has had the status of a constitutional body. Its legal and political position was subject to changes in different periods, which were usually determined by the periods of applicability of consecutive constitutional acts. The period of the so-called Second Republic of Poland, from 1919 to 1939, was characterised by a strong position of the Marshal as the internal organ of the Sejm. The importance of this body, as it performs tasks not related to the functioning of the Sejm (outside the Sejm), has been subject change and was a consequence of the political position of the Sejm. In the first years after regaining independence, during the period of the Constitution of 1921 in force, the Marshal's strong position was determined by the fact that this body was entrusted with powers that were important from the political point of view (e.g. substitution the President of the Republic) and by the political practice (participation in consultations aimed at establishing the parliamentary majority). Under the Constitution of 1935, the importance of the office of the Marshal of the Sejm in this area decreased significantly. In the post-war period, after the initial strengthening of its position as an internal body of the Sejm under the rules of procedure of 1948, the legal and political position of the Marshal of the Sejm, despite the fact that the Constitution of 1952 granted the Sejm the superior position in the system of state bodies, significantly decreased. The Praesidium of the Sejm began to play a dominant role in the functioning of the Sejm. In the sphere of activities outside the Sejm affairs, the Marshal did not play a significant role. In the years 1989-1997 (political transformation), the role of the Marshal of the Sejm increased in terms of responsibilities unrelated to the very functioning of the Sejm. By entrusting the Marshal with the function of substituting the role of the President of the Republic, he became, in fact, the second person in the state. However, as far as his position within the Sejm is concerned, after the initial increase in his role (until the entry into force of the so-called Small Constitution of 1992), there was a change leading towards the opposite direction, caused by the elevation of the Praesidium of the Sejm to the rank of a constitutional body and the entrusting of this body with the function of managing the work of the Sejm.

The entry into force of the current Constitution of 1997 resulted in significant strengthening of the position of the Marshal of the Sejm. This body has retained and even increased its responsibilities beyond the matters related to the very functioning of the Sejm. Due to the fact that the Praesidium of the Sejm was deprived of the status of a constitutional body, and the amendment of the Rules of procedure of the Sejm, which consisted in the

delegation of the governing powers vested that authority to the Marshal, the latter's position in the chamber was fundamentally strengthened. The Marshal became a single-person managing body of the Sejm, equipped with the most important powers on directing the work of the Sejm. It is important to establish that the decision on depriving the Praesidium of the Sejm of the status of a constitutional body was not a result of in-depth analyses and was rather motivated by a desire to reduce the internal regulatory matter in the Constitution. It was made with being aware that it would not entail any far-reaching effects, in particular in the sphere of powers of that authority (G. Koksanowicz, *Geneza i skutki dekonstytucjonalizacji Prezydium Sejmu – próba oceny* [Origins and the consequences of depriving the Praesidium of the Sejm of the constitutional status], "Prawo i Polityka" 2018, no. 8, pp. 37-45). Eventually, however, this change has proved extremely important in terms of the functioning of the Sejm. As a result of changes in the rules of procedure, following the depriving the Praesidium of the Sejm of its constitutional status, the Marshal became the main management body of the Sejm.

Another part of the evaluation of the achievements is the elaboration of the selected aspects of the position of the Marshal of the Sejm (G. Koksanowicz, *Kilka uwag na temat konstytucyjnych funkcji Marszałka Sejmu* [Some observations on the constitutional functions of the Marshal of the Sejm] [in:] *Księga pamiątkowa profesora Marcina Kudeja* [Book in memory of Professor Marcin Kudej], eds. A. Łabno, E. Zwierzchowski, Oficyna Wydawnicza WW Katowice 2009, pp. 213-221) as well as the role of this body in the Sejm's internal affairs (G. Koksanowicz, *Nadawanie biegu inicjatywom ustawodawczym w świetle postanowień regulaminu Sejmu* [Commencing legislative initiatives in the light of the provisions of the rules of procedure of the Sejm], "Przegląd Prawa Konstytucyjnego" 2012, no. 1, pp. 13-27).

In the broader sense, the problem of managing the work of the Sejm was presented in a monograph forming a substantially revised and updated version of the doctoral dissertation (G. Koksanowicz, *Prawny model kierownictwa Sejmem w świetle Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.*, [Legal model of managing the Sejm in the light of the Constitution of the Republic of Poland of 2 April 1997, Lublin 2014, p. 211).

Some of the issues identified were also the subject of my papers delivered at scientific conferences (Appendix 4a).

5.3. Election issues in territorial and professional self-government of legal advisers

A significant part of my scientific activity to date has concerned issues related to the electoral process, both in local government and in the professional government of legal

advisers. The research carried out in this area focused primarily on one of the alternative ways of voting in local government elections, i.e. voting by proxy, both on the grounds of local government electoral law (G. Koksanowicz, *Głosowanie przez pełnomocnika. Uwagi na tle wyborów samorządowych przeprowadzonych w 2010 roku* [Voting by proxy. Notes on the background of local government elections held in 2010], [in:] *Państwo i prawo wobec współczesnych wyzwań, tom II: Współczesne ustroje państwowe i rozwój demokracji w Polsce* [State and law in the face of contemporary challenges, Volume II: Modern political systems and the development of democracy in Poland], (Book in honour of Professor Jerzy Jaskiernia), ed. R. M. Czarny and K. Spryszak, Wydawnictwo Adam Marszałek Toruń 2012, pp. 787-802) and on the basis of the Electoral Code (G. Koksanowicz, *Głosowanie przez pełnomocnika w wyborach samorządowych – zasady i tryb udzielenia oraz charakter prawny pełnomocnictwa,* [Voting by proxy in local government elections - principles and procedure of granting and legal character of the power of attorney], "Przegląd Prawa Konstytucyjnego" 2019, in both cases with the practical aspects of the procedure taken into account.

The issue of elections in the broadly understood self-government is closely related to procedures for verifying their validity (G. Koksanowicz, *Weryfikacja prawidłowości procesu wyborczego w okręgowych izbach radców prawnych - rola organów samorządu i Sądu Najwyższego* [Verification of the correctness of the election process in the district chambers of legal advisers - the role of self-government bodies and the Supreme Court], [in:] *Samorząd a prawo do sądu* [Self-government and the right to court], ed. J. Sobczak, Lublin 2016, pp. 103-112). An important issue in this respect is the issue of legal determining the date when legitimised entities may demand the commencement of a process aimed at questioning the validity of elections. The method of counting and examining the circumstances of comply with the time limit are among the fundamental practical issues that determine the implementation of the right to file in an election protest (G. Koksanowicz, *Termin na wniesienie protestu wyborczego w procedurze weryfikacji ważności wyborów samorządowych w Polsce na gruncie ustawy z dnia 5 stycznia 2011 roku – Kodeks wyborczy* [Time limit for lodging an election protest in the procedure of verifying the validity of local government elections in Poland under the Act of 5 January 2011 - Electoral Code], "Teka Komisji Prawniczej" 2018, Vol. XI, No. 1, pp. 113-127).

5.4. Lawmaking and law application

Another area of my scientific activity includes issues related to lawmaking and law application. Both areas are closely related, because the quality of law enacted is one of the elements affecting its proper application. Of particular importance in this respect is the principle of defined character of provisions of law (G. Koksanowicz, *Zasada określoności przepisów w procesie stanowienia prawa* [The principle of defined character of provisions of law in the lawmaking process], "Studia Iuridica Lublinensia", Volume XXII, Lublin 2014, pp. 471-478). Violation of this principle may lead to an unreasonable extension of the scope of powers of the body applying the law and, as a result, violate the sphere of freedom and rights of the addressee of the legal norm as a result of the interpretation adopted by the body. The more defined character of a provision, the less freedom for the body applying the law to interpret it.

The Sejm, as a body of legislative power equipped with its own powers to establish norms of universally binding law, is bound not only by the rules of correct lawmaking. In its activity, it is also obliged to apply the provisions of the Constitution governing the legislative process (G. Koksanowicz, *Wybrane aspekty stosowania przepisów Konstytucji przez Sejm Rzeczypospolitej Polskiej,* [in:] *Zagadnienia stosowania prawa. Perspektywa teoretyczna i dogmatyczna*, eds. W. Dziedziak, B. Liżewski, Lublin 2015, pp. 123-135, also available in the English version: G. Koksanowicz, *Selected Aspects of the Application of the Constitution's Provisions by the Sejm of the Republic of Poland*, "Przegląd Prawa Konstytucyjnego" 2017, no. 6, pp. 235-251). Moreover, it should be emphasized that the Sejm is also an addressee of the norm resulting from Article 8(2) of the Constitution. As regards lawmaking, this means the requirement to apply also other provisions of the Constitution, expressing certain values important from the point of view of the addressees of the legal norms being enacted. Due to the structure and the way the provisions of the Constitution are formulated at a fairly high level of generality, their actual normative content is subject to establishing in the case law of the Constitutional Tribunal. For these reasons, direct application of the provisions in question by the Sejm requires taking into account the work of constitutional judicature.

Lawmaking at the local level is also an important political issue. Acts of local law, even though they are not autonomous acts, play an important role in adjusting the general decisions taken by the legislature to local conditions. The authority to issue acts of local law contained in statutes, as well as the procedure for their adoption, in particular the definition of forms of cooperation between bodies of local government and central government administration bodies when establishing them, should respect the legal and actual independence of local government units (G. Koksanowicz, *Tryb podjęcia uchwały w sprawie*

dostosowania sieci szkół podstawowych i gimnazjów do nowego ustroju szkolnego a zasada samodzielności gminy [The procedure for adopting a resolution on the adjustment of the network of primary schools and junior high schools t the new school system and the principle of independence of municipality] [in:] *Samorządy w procesie decentralizacji władzy publicznej* [Local governments in the process of decentralisation of authorities], ed. M. Chrzanowski, J. Sobczak, Lublin 2017, pp. 195-204). Too far-reaching interference of the legislature may undermine the constitutional principle of independence of local government units. In this context, the judicial protection of the independence of municipality is important. Solutions established at the statutory level should not lead to its limitation. Judicial protection of independence of a municipality must be of an actual nature, only then it will constitute its real guarantee.

The subject matter of creating an internally binding law has been taken up in relation to the bye-laws of political parties. In this context, the analysis covered the solutions concerning parliamentary caucuses (G. Koksanowicz, *Kluby parlamentarne w normach statutowych partii politycznych (Uwagi na tle statutów partii obecnych w Sejmie Rzeczypospolitej Polskiej VIII kadencji)*(G. Koksanowicz, Parliamentary caucuses in bye-laws of political parties (Notes on the background of bye-laws of parties present in the Sejm of the Republic of Poland of the 8th term), "Przegląd Prawa Konstytucyjnego" 2018, No. 5, pp. 93-106).

5.5. Constitutional system of the Republic of Bulgaria

My interest in the political system of the Republic of Bulgaria is a continuation of scientific research even before the date of obtaining the degree of doctor of laws. It is worth noting that Bulgaria, among the countries covered by the so-called "Autumn of Peoples" was the first to adopt the Constitution, on 12 July 1991, based on democratic principles. The analysis of the constitutional regulations between the head of state, parliament and the government indicates that the system of governance in the Republic of Bulgaria corresponds to the formula of parliamentary government. The solution adopted in the constitution is characterised by a kind of eclecticism (G. Koksanowicz, *Zasady podziału władzy w Bułgarii*, [Rules governing the separation of powers in Bulgaria], [in:] *Zasady podziału władzy we współczesnych państwach Europejskich* [The principles of separation of powers in modern European countries], eds. S. Grabowska, R. Grabowski, Rzeszów 2016). The presence of the institution of vice-president and the lack of legislative initiative on the president's side refers

to solutions adopted in the United States. The prohibition of holding a parliamentary mandate while being a member of the Council of Ministers is similar to French solutions, and the constitutional possibility to raise a vote of no confidence against the prime minister – to the solutions applied in the Federal Republic of Germany.

The National Assembly, a single-chamber parliament, plays an important role in the political system of Bulgaria. It consists of 240 MPs. According to the Constitution, the representatives exercise a free mandate whose essential guarantee is parliamentary immunity (G. Koksanowicz, *Immunitet parlamentarny w Bułgarii* [Parliamentary immunity in Bulgaria] [in:] *Immunitet parlamentarny w wybranych państwach europejskich* [Parliamentary immunity in selected European countries], eds. S. Grabowska, J. Juchniewcz, Rzeszów 2017, Rzeszów 2017, pp. 57-66). In the light of the constitutional arrangements, an MP is protected by substantive and formal immunity. The first excludes the criminal liability of the deputy for the content of his statements delivered in the National Assembly (including the parliamentary committees), but it is worth emphasising that it involves an activity inherently connected with the exercise of the mandate and performed in the parliament building. The second relates to criminal liability and makes the initiation of a penal proceeding, as well as his/her detention, conditional on prior consent of the National Assembly. It is also praiseworthy that the limits of the substantive immunity in question was legibly outlined in the law. However, the manner of regulation of the procedure for repealing protection resulting from formal immunity in the rules of organisation and operation of the National Assembly should be assessed negatively. The objections do not regard the very legal form of the act containing the regulations but the fact that the tradition of Bulgarian parliamentarianism is the adoption of its own rules by each newly elected National Assembly. This opens up the possibility of regulating issues concerning the procedure for repealing protection from immunity in different ways during various terms of the Assembly.

A detailed list of published scholarly papers and the information on achievements in teaching, research cooperation and popularization of science is included in Appendix 4. Therefore, this summary of scientific and research achievements will be limited to a brief description of my output achieved to date after obtaining the degree of Doctor of Laws:

- Apart from the scientific publications mentioned above, he is a co-author of two textbooks: *Polskie prawo konstytucyjne* [Polish constitutional law] (author: *Najwyższa Izba Kontroli* [Supreme Audit Office], Chapter XVI item 1) and *Konstytucyjny system organów państwowych* [Constitutional system of state's authorities] (author of chapter:

Organy władzy ustawodawczej [Legislative authorities], Chapter VIII – Appendix 4). The number of publications before obtaining the academic degree of doctor includes 14 items.

- I participated in several scientific conferences and seminars, of which active participation included 11 international and national scientific conferences, at which I delivered papers, moderated discussion panels and participated in the discussion (Appendix no. 4).
- I performed the functions of: a member of the organising committee of 4 scientific conferences and a scientific seminar.
- I am an active member of one scientific organization.
- As part if my teaching work I have conducted lectures and practicals – at the Master's and Bachelor's degree programmes at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin for the following majors: law, administration of the first- and second-cycle studies, internal security (studies of the first cycle); at the College of Business in Radom for the major of administration; at the College of Humanities and Life Sciences Studium Generale Sandomiriense in Sandomierz for the major of administration;
- I was a supervisor for 38 master's theses (in the major of administration) and 64 BA theses in the first cycle studies (at the majors of administration and internal security), conducting master's and BA seminars in constitutional law at the Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin, and 36 master's theses (at the major of administration) at the College of Humanities and Life Sciences Studium Generale Sandomiriense in Sandomierz.
- At the Maria-Curie Skłodowska University, I have conducted classes at the postgraduate courses: "Postgraduate Legislative Study" and "Law for Certified and Specialised Translators".
- I perform the function of an auxiliary thesis supervisor in two doctoral procedures (Appendix 4).
- From 2013 to 2014, I was responsible for the substantive supervision over a group of students of the Faculty of Law and Administration of the Maria Curie-Skłodowska University who participated in the second edition of the competition "Constitutional Court Tournament", organised by Professor Zbigniew Hołda Association.
- In 2009, I was a member of the competition committee of the 11th District Olympiad in Law (stage of the National Olympiad in Law).

- I am a laureate of two Awards of the Rector of the Maria Curie Skłodowska University of Lublin - an individual 3rd-degree award (2015) and a team 2nd-degree award (2010) for scientific achievements.
- I actively participate in the popularisation of sciences, including in particular by developing expert's opinions and legal opinions for the Centre for Research, Studies and Legislation of the National Council of Legal Advisers, for which I developed 9 studies (1 co-authored with dr hab. Bogumił Szmulik, professor of UKSW, 1 co-authored with dr Wojciech Mojski), as well as for the bodies of local government units and NGOs (5 legal opinions). From 2010 to present I have delivered lectures for trainee legal advisers of the District Chamber of Legal Advisers in Lublin, I have participated in seminars for trainee legal advisers, four times (2013, 2016, 2017, 2018) I was a member of the legal adviser exam examination board. I have been a judge of the Higher Disciplinary Court of the National Chamber of Legal Advisers in Warsaw (the term 2010 – 2013 and the term 2016 – 2019). Between 2013 – 2016, I was a deputy chairman of the District Disciplinary Court at OIRP in Lublin. I have acted in the following NGOs: Foundation of the Regional Chamber of Legal Advisers in Lublin "Znam Prawo" (since 30.03.2016), the Institute of Research and Development of the Lublin Science and Technology Park (from November 2014 to January 2017) and the Regional Chamber of Commerce in Lublin as the Chairman of the Arbitration Court (from 2014 to 2004). I have been a member of the Committee on Practising the Profession of Legal Advisers of the Regional Chamber of Legal Advisers in Lublin (since 2018). I participate on a regular basis in the National Conference of Judges and Disciplinary Ombudsmen co-organised by the Polish Council of Legal Advisers and the District Chamber of Legal Advisors in Wrocław (2014, 2015, 2016, 2017, 2018).
- I have been a co-coach at the training on local law issues entitled *Effective drafting of acts of law for local government bodies* (2015) as well as the author of a lecture on that issue (Municipality of Jastków 2019).
- I was a participant in the training organised by the Centre for Postgraduate Studies and Training of the SWPS University in Warsaw entitled "*Tools to improve practical teaching skills and to conduct lectures with the group – methodology and psychology*", to improve teaching competence (22 May 2015).
- I combine theoretical knowledge on constitutional law with its practical use: I have twice been appointed an ex-officio representative to draw up and bring a constitutional

appeal - two opinions on unreasonableness to draft and bring in the appeal, procedural representation in one case before the Constitutional Tribunal.

- I have performed various organisational functions – I am a member of the Council of the Faculty of Law and administration of UMCS in Lublin (term 2016-2020) and the Representative of the Dean of the Faculty of Law and Administration of UMCS in Lublin – the Coordinator for the Faculty Programme MOST.

Grzegorz Koksanowicz

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