

SUMMARY OF DOCTORAL DISSERTATION

Dissertation topic:

Appeal in proceedings for cases concerning the award of a public contract

Reasons for choosing the topic:

The thesis concerns the institution of appeal, which is a basic measure of legal protection in the Polish public procurement system. This issue is very narrow, but at the same time extremely important for the practice of applying public procurement, and in particular for contractors whose tenders have not been selected by the contracting authority. The appeal plays a vital role in the Polish public procurement law system primarily because it serves as a legal measure to protect the rule of law, fair competition, impartiality and objectivity. In addition, it constitutes a specific measure of control of contracting authorities and their actions in the course of the procedure for the award of a public contract.

The paper presents, among other aspects, the historical and legal evolution of the institution of appeal, including the changes that have been made in the legal regulation of this institution. These considerations were made in order to assess the changing legal regulation and its transparency from the point of view of law-enforcers, as well as to formulate postulates *de lege ferenda* and indication of the directions of the proposed changes. In addition, much attention has been paid to the examination of the appeal itself and the proceedings brought about by it, and the very nature and legal aspect of the appeal as a means of protecting rights has been analysed in detail and extensively.

In view of the foregoing, in my opinion, the issue in question and the problems arising from it, not only of a theoretical nature relating to the substance and legal nature of the appeal, but also of a practical nature, fully justify the attempt to undertake a monographic study of the title issue, especially since it has so far only received studies of a causal nature. In the literature of the subject, against the background of the current legal regulation, there is no comprehensive study of the title issue.

Main research assumptions:

The main research objective is to try to solve the problem of the legal nature of the appeal as a means of legal protection in public procurement. This issue is not uniformly included in the literature of the subject, there are also no studies that would fully represent it. For these reasons, in my opinion, it is advisable to analyse the available literature on the subject and the case-law in order to summarise the views presented and to take one's own position against them. In addition, the main research assumptions should also include an attempt to derive, on the basis of an analysis of the historical and legal evolution of the institution, an appeal of proposals regarding the proposed and desired directions of changes in legal provisions (*de lege ferenda* postulates). The main research assumptions should also include work to discuss in as much detail as possible the "appeal-related" institutions, which have a close relationship with the appeal and influence the appeal proceedings. A closer examination of these institutions also allows a better understanding of the substance of the appeal and affects the transparency of the application of the rules in this regard.

Purpose of the thesis:

The purpose of the thesis is to attempt a thorough and comprehensive analysis of the institution of the appeal together with the appeal proceedings and the legal elements that constitute them and to identify potential de lege ferenda proposals that could have an impact on improving the legal regulation of the public procurement system in Poland, with particular attention to the basic legal protection measure, which is the appeal.

Expected research methods:

The following research methods were used in the work: dogmatic-legal method, historical-legal method and legal-comparative method.

Name: Arnold Aleksander Pustkowski

Date: 8. 09. 2022r.

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