Summary of Professional Accomplishments

1. Name: Jacek Jaśkiewicz

2. Diplomas, degrees conferred in specific areas of science

Master of Law – degree obtained on July 3, 1992 at the Faculty of Law and Administration of the University of Szczecin,

Doctor of Law – degree obtained on December 2, 2011 at the Faculty of Law and Administration of the University of Szczecin (dissertation title "Paradigm of Cognition of Facts in Civil Proceedings"),

Graduate of the seminar "Application of the European Convention on Human Rights in the Polish Legal Order", Council of Europe: Warsaw, Luxembourg, (diploma received on January 12, 2006),

Graduate of "Economics and Business Law" studies at the Warsaw School of Economics (diploma received on June 19, 2007).

3. Information on employment in research institutes or faculties/departments

3.1. Scientific units:

1) 1992 - 1994 - assistant at the Faculty of Law and Administration of the University of Szczecin (Department of Theory of State and Law),
2) 1996 - 2000 - lecturer at the Faculty of Economic Sciences and Management of the University of Szczecin,
3) 1999 - 2012 - assistant and lecturer at the Faculty of Economics and Management of the State Higher Vocational School in Gorzów Wielkopolski,
4) 2012 - 2013 - lecturer at the Faculty of Law and Administration of the University of Szczecin in Szczecin (Department of Theory and Philosophy of Law),
5) 2014 and still – assistant professor at the Faculty of Administration and National Security of The Jacob of Paradies University in Gorzów Wielkopolski (AJP, pol. Akademia im. Jakuba z Paradyża),
6) 2014 - 2017 - Dean of the Faculty of Administration and National Security AJP,

7) 2017 - 2019, lecturer at the Faculty of Law and Administration of the Cardinal Stefan Wyszyński University in Warsaw.

3.2. Information regarding other professional activity:

1) 1992 to 1994 – judge's trainee at the District Court in Gorzów Wielkopolski,
2) 1994 to 1997 - court assessor of the Regional Court in Choszczno,
3) 1997 to 2002 – judge of the Regional Court in Gorzów Wielkopolski,
4) 2003 to 2007 – judge of the District Court in Gorzów Wielkopolski,
5) 2007 and still - judge of the Voivodeship Administrative Court in Gorzów Wielkopolski.

4. Description of the achievement, set out in art. 219 section 1 point 2 letter a) of the Act of July 20, 2018 Law on Higher Education and Science

4.1. Introductory remarks

4.1.1. Presented monograph entitled „Unijna polityka rozwoju w perspektywie polityki prawa. System, instytucje, procedury" *("EU development policy in the perspective of legal policy. System, institutions, procedures")* is the culmination of individual research conducted since 2013 and based, like all my scientific achievements, on two complementary aspects of professional activity: academic work and judicial service. My doctoral thesis about theoretical and legal reflection on the model of factual cognition in civil judicial proceedings stemmed from this symbiosis. This is also the source of the idea of theoretical analysis of the EU public policy system from the perspective (concept) of legal policy.

The monograph was published in a scientific publishing house and received two positive editorial reviews (*see point I of the list of scientific achievements*).

Research directions as well as works important for the genesis of this book are discussed below in point 5. In the theoretical aspect - these are articles and chapters in scientific monographs regarding development policy and the concept of legal policy. There are two English-language texts from 2019: "Legal Policy by Leon Petrazycki vs. Theory of Law by Jerzy Wróblewski" (*point 2j of the list of scientific achievements*) and "European cohesion policy in light of Leon Petrazycki's concept of legal policy" (*point 4g of the list of scientific achievements*).

In these works I formulated (for the first time in science) thesis about relevant connections between the concept of legal policy and the EU's development policy. In these works I also referred to the validity of the concepts of Leon Petrażycki and Jerzy Wróblewski and the

theoretical assumptions contained in their work, later used in my monograph. The starting point (the initial working research hypothesis guiding the content of further research) was to notice the correlation between the designing function of theory of legal policy and the actually implemented public policies, which, due to the its assumptions, goals and instruments, can be perceived as cases of legal policy implementation (EU development policy as a praxis of legal policy).

4.1.2. The monograph contains the development and justification of these announcements - the application of the theoretical background of legal policy to the characteristics of EU development policy, which can be considered as rationalized, actually executed legal policy that serves social goals and goods. It is the first book that relates the concept of legal policy to the actually implemented, institutional practice and the only one that is a theoretical and legal reflection on the system of EU development policy.

In the presented concept, legal policy (as a practical science) and development policy (as practice) are mutually complementary and interconnected spheres (*techne* - *praxis* relationship). In the version that I propose, the function of legal policy science is to provide all decision-making centers (social actors) with knowledge to stimulate development processes in the targeted environments - areas of intervention of EU development policy.

The basis of this interdisciplinary and, in my opinion, feasible project is Petrażycki's modernized concept of legal policy, subjected to a test of its adequacy to the state of contemporary knowledge of law and politics (as discussed below in point 4.2.). I see the scientific and practical utility of my work in the use of elements of this project and the achievements of Polish legal theory to analyse Western European public policy "in the spirit", which I define as positive, communicative and ethically committed practice of science.

4.1.3. The crisis of Polish law, which has a profound impact on social practice, was for me, also as a practitioner, the impulse to use the potential of the theory of legal policy as an interdisciplinary research field on „law in action", serving the communication of various sciences (a postulate that has been formulated for years in Polish legal theory as the project of internal and external integration of jurisprudence). Therefore, in Part I of my monograph, I emphasize that the theoretical background of legal policy is to have systematizing, guiding and explanatory functions for dogmatic disciplines (legal theory as an element of the legal policy project). The operability of this project also includes applications that respond to current legal challenges and problems (which is what I focus on). In my opinion, the separation of law

and politics is a deficit which is largely responsible for the crisis, in Petrażycki's words, of "official law" (Mauro Zamboni, who presents a similar view, sees the weakness of legal sciences and social sciences in this very separation, postulating the need to undertake interdisciplinary research on the transformation of political goals and values into law; *see Chapter 1 - point 1.7.3.*).

I consider an important contribution to the implementation of this task not only the formulation and justification of the above theses (Part I of the monograph), but also the implementation of one of the partial tasks of the project presented there.

The content of Parts II and III of the book is the general reconstruction of the EU development policy system – the first systemic analysis in the literature, based on theoretical modeling and focused on issues of legal and political theory and the theory of legal dogmatics (European law, EU law, public economic law and administrative law, including procedural law).

4.1.4. Guided by the message of legal policy, the analyses contained in my book are subordinated to the pragmatics of their applicability. The theoretical reconstruction of the model of the development policy system: its institutions, principles and legal procedures functioning within, it can be used in both science and practice. My goal here was to collect and systematize knowledge in the field of the title, highlight its constitutive elements and identify research problems with proposals for solving them using methods other than dogmatic ones.

The issue that I devote most of my attention to in my work is the law functioning in the complex network systems of EU development policy institutions, in which there are various types of acts with standard and specific forms and scopes of validity (statutory law, soft law, planning acts). To make a general analysis of these rules, I used idealization, called in the book the "EU development policy law", which consists of normative acts, different in terms of hierarchy and binding force and belonging to different dogmatic fields of law, regulating the material and procedural aspects of the EU intervention activities (*see Chapter 7 - points 7.1. and 7.2.*).

In the indicated scope, which I deem as an important scientific value of this book and the first in-depth study of this type of problem, I consider and diagnose hard cases of law occurring in the analysed system (the problem of normativity and validity of strategies and plans, partnership agreements, program implementation systems, guidelines and other acts soft law of the EU development policy*; see Chapter 7 - point 7.5.4.*).

These topics are important not only for science, but also, and perhaps even primarily, for the practice of the functioning of the EU intervention system at the national and regional level. Differences in doctrines and practices cause problems and tensions in the legal sphere

considered in this work, related to, for example, the adaptation of new management benchmarks and changes in the way decisions are justified by Polish authorities and courts. In my opinion, the analysis of these issues is part of the positive convergence of legal systems and doctrines and the development of a communicative vision of law in a way that leads to changing the national public policy management system to a more civil and socially effective one (which is, after all, the fundamental goal of legal policy).

4.2. The structure of the monograph and its individual research goals (hypotheses)

4.2.1. The possibility of using the potential of Petrażycki's legal policy concept for the purposes presented above required, first of all, determining whether and to what extent it is (or is not) valid, as well as whether and what elements of it can be used to analyse the EU development policy (hypotheses 1 and 2 and the more detailed hypotheses 3 and 4, presented in the introduction of the monograph). This was the purpose of presenting the initial concept (Petrażycki), then concepts developing it or inspired by it (Podgórecki, Wróblewski) and others - relevant to this topic (Pound, Zamboni and others). Against this background, in the further parts of Chapter 1, I presented the characteristics of positivist and non-positivist versions of legal policy and their references to contemporary legal doctrines and trends, considering their validity and applicability.

In Chapter 2, developing the justification for the previous hypotheses, I presented the assumptions of the EU development policy model and distinguished its constitutive elements. The conclusions contained in points 2.2 and 2.4 of this chapter correlate with the results of the analysis indicated in point 1.7.4. But first (*points 2.1.1 and 2.1.2.*) I define basic concepts and sort out the conceptual mess that exists in the doctrine.

4.2.2. As announced in Parts II and III of my book, I focused on the reconstruction of the legal and institutional system of the EU development policy. The methodological assumptions of this reconstruction come from the works of Jerzy Wróblewski and Maciej Zieliński and the theoretical models of law-making and applying law presented there. They were used to model the studied system as a whole and to characterize its components (indicated in the titles of the following chapters). The reconstructed system was presented in a horizontal (scope and sectors of development policy), vertical (from the EU level, through the shared and national level to the regional level) and chronological (from the planning stage, through legislation and implementation using various legal and financial instruments, to the control stage).

In Chapter 3, I present the structure of the institutional system of the EU development policy, including the partial policies included in it (in accordance with the scope of the term "EU development policy law" stipulative definition proposed at the beginning of Chapter 2).

Chapter 4 concerns planning — its essence, importance and function, in particular for legal and development policy. In points 4.1, 4.2. and 4.3. I present the general characteristics of this activity, define concepts important for further analysis, and describe the structure and elements of the development policy planning process. Points 4.4., 4.5. contain the author's description and classification of the types of planning acts of this policy, at the EU, shared, national and regional levels.

Chapter 5 is devoted to the subjective aspects - institutions (bodies) of the management and control system of the EU development policy (the concept of „management and control system" functioning in EU law covers all levels and stages of the process of constitution and implementation of this public policy). Points 5.1. and 5.2. provide a theoretical introduction to further analysis of this aspect. Next - the detailed characteristics - points 5.3., 5.4., 5.5, 5.6 and 5.7. are arranged chronologically and spatially: from EU institutions, through national, to regional; from the planning and programming stage, through implementation, to the control phase. Referring this structure to the classical theoretical approach, the first two stages can be called "law - making" and the remaining stages "application of law", although both of these spheres are not separated from each other (as Jerzy Wróblewski demonstrated years ago). A special place in this analysis is given to the judiciary, recognized as a co-creator of development policy law, both in the EU and national levels (*this topic was developed in Chapter 7 - point 7.5.4.4. and Chapter 8 - point 8.3*).

At the beginning of Chapter 5, I point out that the EU development policy management system is the result of solutions and practices developed over many years of this policy, in accordance with the EU principles of partnership, shared management and subsidiarity. Therefore, there are variations at national and regional levels. At work – in relation to the level of the so-called divided, national and regional, I focus on the Polish system, reconstructing it to its full extent. I also present and consider the systems of other Member States, selected for comparison due to their significant differences.

Chapter 6 concerns the next element of this system: legal and financial instruments for implementing the goals and tasks of the EU development policy. In this chapter, on principles similar to the previous ones, their full reconstruction and characteristics are presented in a chronological and spatial arrangement: from general and supranational instruments, through split-level instruments, to national and regional instruments.

4.2.3. Part III of the book contains a presentation and analysis of this aspect of the development policy system that is closely related to the law functioning within it. The arguments contained in this part of the book focus on the issues indicated as detailed research problems (hypotheses) in the introduction to the monograph:

1) what law is in range of the class of so-called "EU development policy law" and what is its relationship to EU law, national law and law classified into branches and fields functioning in legal sciences,

2) what is the relationship of this law with EU management and administration models in public policies and what regulation methods are used in it,

3) what is the specificity of this law (its normativity and validity) and what are its sources and types of normative acts,

4) what are "hard law" and "soft law" in the EU development policy system, what types of acts of such law are there and what is the relationship between them,

5) what are the legal principles of EU development policy and the role of legal discourse (jurisprudence) in defining or shaping them,

6) what are the goals, functions, models, types and internal organization of procedures of the development policy system, at the EU, shared and national (Polish) level.

Considering these hypotheses, at the beginning of Chapter 7, I formulate a definition of the expression "EU development policy law", giving its scope and justification (points 7.1. and 7.2.). I point out that the typification and classification of sources of the examined law is based on the popular understanding of a normative act in legal sciences as an "act containing legal norms" and the so-called "material concept of normativity". Referring to the deficits and limitations of this concept, I would like to emphasize that "normative acts" belonging to the system of "EU development policy law" include acts whose texts (from the logical-linguistic point of view) contain norms (rules) of conduct of a general and abstract nature, as well as those that are of an individual-abstract or general-concrete nature and those that do not fully express the rules of conduct (such as the so-called program norms and plan norms).

This relativization is intentional because the specificity of some sources of law operating in the discussed field indicates that their validity (including binding them on generally designated addressees) depends on other factors considered in Chapter 7 (this applies especially to soft law). Hence, the classic linguistic approach had to be supplemented by others - argumentative, economic, behavioral, related both to the applications of the language of legal texts in legal

discourse (positivization of law) and to the real impact of law (behavioral or economic analyses of law).

Without considering or resolving the dispute over the determinants or rules for recognizing certain (psycho)social facts as law, in Chapter 7 I describe the system of development policy norms, paying attention to what functions and features of normativity and validity are assigned to them in doctrine and practice (primarily all EU). The key research effect of this reconstruction is the assignment of discourse (primarily jurisprudence) to a decisive function in determining the scope of validity and binding force of normative facts.

The characteristics of the system of sources of development policy law presented in Chapter 7 (after considering the first three hypotheses indicated above) based on their content and spatial arrangement. Content aspects are related to the power of a given act and the scope of its validity. Spatial aspects - to the chronology (order) of adopting given acts and the position and function of the institution from which the act comes. These are, however, organizing analyses, but they do not determine the importance of a given source in the legal system and the relations occurring within this system.

I share the view that the EU legal system (and therefore the legal system of development policy) is of a network nature, where vertical and linear relations are replaced by a circular and looped hierarchy of norms (because this system is closely related to the decentralized management model of EU development policy; *see points 7.3 and 7.4*). However, in the EU law doctrine, which is largely derived from the constitutional doctrine of the founding EU Members, there is still a convention assuming a certain vertical and pyramidal positioning of sources of law. It is honoured in my work, and the systematization of my argument is based on it.

The detailed description of the sources of EU development policy law (*point 7.5*) is comprehensive, but its most important part are considerations regarding soft law. This area is the least recognized and developed in national science. This concerns issues as important in practice as the validity and binding force of soft law acts in the national development policy system. Taking up this topic, I refer to the original Polish theory of planned norms and program norms (including the views of Aleksander Peczenik and Maciej Zieliński) and present an interesting proposal by Scott Shapiro, corresponding to some assumptions of Petrażycki's legal policy. The further content of this Chapter is a systemic analysis soft law acts operating in the Polish development policy system, based on the previously indicated theoretical assumptions (the fourth detailed hypothesis).

The content of Chapter 8 (the fifth detailed hypothesis) concerns the topic of principles, which is relevant for the science and practice of legal politics. It contains a systematic classification

and analysis of the legal principles of the field under consideration, with particular emphasis on those of them that are of a specific nature and function exclusively or primarily in this field. This classification is based on an order justified by the capacity, importance and universality of the principles discussed. This modeling is not of a typological nature, but has, in my opinion, an important scientific value, because in legal doctrine and dogmatics the discussed principles are often presented as part of a homogeneous set, including principles of an autonomous and universal nature along with instrumental or domain-specific principles. The final part of Chapter 8 (*point 8.3.*), which is the development of the fifth detailed research hypothesis, is devoted to the topic of the application (operationalization) of principles in the judicial discourse, stimulated and directed in the analysed system by Western European patterns and the doctrine of EU law.

Chapter 9, as announced in the sixth detailed hypothesis, concerns the procedural aspects of EU development policy law. Its content includes a comprehensive reconstruction of the procedural model functioning in the management and control system of the EU development policy. Detailed considerations are preceded by a general, theoretical characterization of the procedures: their construction assumptions, goals, functions and methods of regulation (*points 9.1.1. and 9.1.2.*). In this Chapter, I draw attention to the quite far-reaching differentiation of procedures at national levels, but emphasize the axiological, normative and functional community of the EU development policy system, which determines the limits of national procedural autonomy (*point 9.1.3.*).

The following content is devoted to presenting the system of procedures operating at individual levels of the development policy system, organized according to functional, temporal and spatial criteria. This reconstruction is systemic in nature and covers, again using classical terminology, both legislative procedures and procedures traditionally considered to belong to the sphere of law application. The shared and national level was discussed in relation to the system in force and operating in Poland (this is the first such systematization in polish science). The final points of Chapter 9 include considerations on the relationship between the formal hosts of development policy proceedings and experts who play important roles in this system at each of its levels (*point 9.11.)* and a summary reflection on the axiology, functionality and coherence of the reconstructed procedural system (*point 9.12.*).

4.3. Sources and research methods

4.3.1. Pluralism of research methods and sources, in accordance with the Petrazycki's idea, is an inherent feature of the science of legal politics. The research approach adopted in the book is therefore its implementation, although in a partial way. From a methodological perspective, they can be described as an attempt to synthesize the methods used in jurisprudence and the institutional approach typical of many social sciences (especially sociology, economics and political science). The subject of the analysis carried out using this set of methods is law embedded in actually functioning politics and taking forms characteristic of institutional legal practice.

The monograph is generally of a theoretical nature, but focused on dogmatics and practice. The reconstruction of the model of EU development policy and its laws was based on analytical modeling used in legal theory (primarily the works of Jerzy Wróblewski and Maciej Zieliński). Also the theory of law - the assumptions indicated in the introduction to the monograph and in the introductory notes to the all chapters, constituted the basis for the use of legal reasoning methods (various branches and fields of law with their specific methods intersect within the „development policy law").

As I noted in the introduction to my book, methods from political and economic sciences were used in relation to issues such as institutionality, programming and planning, management and development policy instruments. This eclecticism in the selection of scientific methods is intentional, because this is the path that contemporary legal policy is supposed to follow. However, this is related to the potential possibility of incompatibility between the theoretical concepts and the meaning conventions established in legal dogmatics. However, this is a necessary risk since the function of the science (theory) of legal policy is to construct and propose more general meanings - patterns that serve to develop a common ground for communication of various sciences.

4.3.2. As for the sources on which I based the implementation of my project, they are, of course, quoted and referenced in the book. However, I should emphasize that the concepts of legal policy presented in the monograph are based primarily on the original works of Leon Petrażycki (including several texts not yet published in Poland and not translated into Polish or other languages). Further - Adam Podgórecki, Jerzy Wróblewski and many other outstanding and not only Polish scholars commenting on these concepts or taking up threads characteristic of the topic of legal policy (the most recent of these are the works of Tadeusz Biernat, Roger Cotterell,

Eduardo Fittipaldi, Andrei Polyakow, Mauro Zamboni, Marek Zirk -Sadowski and Radosław Zyzik).

Other important sources include studies of the Polish analytical legal theory „following" (like the late works of Jerzy Wróblewski) towards discursive theories and legal hermeneutics; with references to other, contemporary schools and trends (in particular economic analysis of law; *see Chapter 1 point 1.7 and the authors cited there*).

4.3.3. When it comes to sources regarding the EU's development policy, in domestic and foreign doctrine one can find numerous studies devoted to it in general or to specific sectors (cohesion policy, regional policy or others), but with a political, economic or management orientation. Even such extensive and systemic studies as the works of J. Bachtler, R. Leonardi, W. Molle, D. Marek and M. Baun, and S. Piattoni and L. Polverari, or Polish authors - Z. Czachór, T.G. Grosse, K. Kokocińska, C. Kosikowski, M. Perkowski, R. Poździk, C. Mik, A. Nowak-Far and M. Świstak do not contain any references to legal policy or as well as theoretical analysis of the EU development policy law system. However, many partial issues can be found in the theory of specific legal sciences (theory of European law, theory of EU law, theory of administrative law, theory of public economic law), which I note in my book. It also contains numerous examples from law practice, mainly EU and national jurisprudence.

4.4. Main theses and conclusions of the work

4.4.1. The answers to the research hypotheses posed at the beginning are included in the conclusion of the monograph, which was designed as a synthetic and discursive presentation of the conclusions drawn when considering subsequent topics (most often presented at the end of the chapters). The first one is to demonstrate the correlation between the concept of legal policy and EU policy development at the level of ideology and theoretical assumptions. I indicate here that the Petrażycki's legal policy is a holistic and multi-faceted project with idealistically set goals, some of which coincide with the ideology of the EU development policy. I also claim that a wider "reading" of this concept, free from the limitations mentioned in my book shows that it is not monistic (i.e. exclusively psychological, as adopted in many studies), but multidimensional - recognizing law as a real and complex phenomenon determined by various psychosocial and cultural factors.

This legal policy is not, as I show, social engineering, and although it contains elements of utilitarianism, instrumentalism and Enlightenment epistemology, it goes beyond positivist

theories and projects towards those research trends that appeared much later in realism and legal functionalism, and are considered today are within the framework of behavioral and economic analysis of law. Petrażycki also reads about the complexity of mutual interactions taking place between people in a communication community in which social patterns are developed (which is reminiscent of communication theories).

He was also the first to claim that for the implementation of legal policy goals, non-invasive, economic and motivational functions of law are at least as important as statutory law (official law, hard law), that directly corresponds to the contemporary public policies practice, operating soft law, which, as more socially effective, is starting to replace hard law.

4.4.2. Based on the analysis carried out in Part I of my book, I show that the EU's development policy incorporates many ideas and elements of the concept of Petrażycki's legal policy. They form an eclectic set, originating from positivist and non-positivist scientific paradigms and the doctrine and practice shaped by them. The ideology of the EU's development policy assumes Enlightenment legal policy, voluntarism, optimism, activism, evolutionism and the belief in the possibility and advisability of taking action on a social scale. In the assumptions of the EU development policy, one can also find the ideas of *homo oeconomicus*, humanistic axiology and orientation towards the target state of social homeostasis (sustainable development), which are close to Petrażycki's thoughts.

From these and other convergences discussed in detail and justified in the work, I draw the conclusion that the EU development policy can be considered a pragmatized variation of Petrażycki's legal policy - as a policy programmed and implemented through law, which is intended to rationalize the control of economic and social processes aimed at progress. However, this progress is not (does not have to be) perceived as a universal next "evolutionarily higher" stage of development (as assumed by Petrażycki and other concepts based on evolutionism and scientism). It may be partial progress, relativized to a given environment and its conditions.

I emphasize that the fundamental difference between instrumental and communicative legal policy lies in the acceptance or rejection of the positivistic, scientistic assumption about the possibility of "objective" knowledge of reality and explaining all cause and effect relationships. In the first version, legal policy performs cognitive and explanatory functions (as a practical science – "science for"). The second version is based on the assumption that the rationalization of society and its institutions (including political and law) should be carried out primarily by unblocking communication: through public and pressure-free discourse.

Agreeing with Marek Zirk-Sadowski thesis about the inadequacy of the positivist paradigm, I believe that certain positivist methods and practices do not have to be completely abandoned. The communicative discourse that I advocate can be guided (rationalized) by science, including theories derived from scientific positivism (such as analytical theories). I use the analytical scientific apparatus and its methodology to study of EU development policy system, also because its assumptions and practice contain elements of both versions of legal policy - the instrumental one and the communicative one. That is why I describe the legal policy pursued in the area of my research as post-positivist. In this policy, the function of science is no longer to „discover" and transform the world, but to provide all social actors with knowledge and tools to compensate, restore balance and stimulate social development. These are to be morally valued, partial applications focused on solving specific problems and, in the words of Karl Popper, aimed at combating various cases of "social evil".

Post-positivist legal policy also differs from instrumental versions in that it proposes a model of discursive thinking and action that is to be the basis for the practical functioning of society, serving to implement the power of citizens. Using the example of EU development policy, I demonstrate that such a model turns out to be more effective than centrally and monocratically controlled interventionism. As it is embedded in communication ethics, it is also more resistant to crises and socially accepted.

4.4.3. To reconstruct the EU development policy system, I used modeling proposals presented in the works of Jerzy Wróblewski and Maciej Zieliński. The reconstructed model is descriptive because its content is the doctrine and practice of this policy and its „law in action". It is from their analysis, as I conclude, that a picture of public policy emerges, which is not the domain of any centralized public authority, but the resultant of decisions made by various institutions at many levels, using new methods of regulation, referred to as good governance and multi governance, where centrally guided intervention activities are replaced by participatory, deliberative and deregulated mechanisms.

In this system, there is no single decision-making center, no centralized implementation and management system, nor any legal scheme imposed from above that would cover all stages of constructing and implementing development policy (starting from the EU level and ending with the national and regional levels). The programming and implementation of EU development policy instruments is based on principles ensuring the participation of regional authorities and representatives of civil society, which is particularly important for political and

social practice in those countries that are just transforming from a centralist model towards decentralization and social management.

In the content of my book, I show that development policy is co-shaped by the effects of citizen participation: opinions, consultations, inclusion of external stakeholders representing different social groups in decision-making processes. In this practice, the institutions and the legislative and non-legislative procedures of EU development policy operating within them become a forum for organizing such conditions in which public administration (EU and member states) and representatives of various groups of civil society, actively and morally engaged in the discourse. In this way, the communicative practice of public power and pluralistic ways of assessing the efficiency of wealth distribution are transferred to cultures and systems where (such as in Poland) the practice of the technical-instrumental legal policy is still present.

4.4.4. In the conclusions of my monograph, I state that due to multicentrism, the discursive narrative focused on EU goals and values, as well as social acceptance and effectiveness of development policy, the technological functions of law in its system disappear or weaken. This law is characterized by the diversification of sources, the use of economic management methods, the networking of decision-making processes, the delegation of legislative competences and the creation of various types of soft rules and procedures replacing traditional legislation and centralistic management methods.

The leading example of this is soft law, which in many situations is more socially and economically effective than hard law. This new form of normativity, alien to Polish doctrine, is already a permanent element of the development policy management system in the decentralized, networked institutional system. I emphasize here that from the perspective of legal policy, soft law can be considered a method balancing the tensions between traditional legislation and its target applications, which is reminiscent of Petrażycki's projection.

I would also like to point out that the specificity of soft law is the presence of those types of norms that constitute the borderline of positive (statutory) law - program norms and planned norms, perceived from the perspective of law politics as norms functioning together with rules and principles.

4.4.5. In the conclusions regarding new forms of development policy law, I state that their determination, as well as setting the conventional boundaries of this system, is primarily the responsibility of the judiciary. I also attribute to the judiciary the status of the main actor in specifying or even shaping the principles of law, recalling Ronald Dworkin's observation that

while policy requirements play the greatest role in the process of creating law, the principles become the most important at the stage of its application (*see Chapter 8 - point 8.3.*).
I emphasize that the most important principles of the EU development policy system perform more than instrumental functions, as they are considered inalienable components of law. I consider these issues using examples from the case law of the Court of Justice of the EU. I also present the achievements of national jurisprudence, where the judgments cited in this dissertation reveal the image of Polish judges actively using EU axiology and increasingly aware of the fact that it is not the literal text that creates the principles.

4.4.6. In the conclusion regarding the legal procedures of the EU development policy (at all levels of its functioning - from the EU to the domestic level), I emphasize that it is in the procedural environment that the instruments of this policy are located (procedural aspects of law). The procedural framework also develops patterns and practices relevant to the field under study, and in this environment, the transformation of "policy" into "law" occurs. Therefore, from a communication perspective, these procedures can be understood as ways of communicating between discourse participants (actors) of the system under study, regulated and formalized by law.
Referring to Petrażycki's concept, I point out that it is primarily modern, more open and pluralistic procedures of the third generation (applicable in the researched field) that can be metaphorically called *Agoras* of contemporary *Polis* - local forums of discourse conducted at various levels, with the participation of representatives of the institutions of the development policy system, local government, professional groups, social organizations and scientists and experts.

5. Presentation of significant scientific activity carried out at more than one university, scientific or cultural institution, especially at foreign institutions

The scientific activity presented below is closely related to the employment in various scientific units and in the common and then administrative courts indicated in point 3 of this self-report. A detailed description of the activities and results of this activity is included in the list of scientific achievements attached to my application. These activities can be classified into several thematic groups (this is not a separate division), including:
1) research and work on legal policy and EU development policy (or EU cohesion policy),
2) research and work on the interpretation and application of EU law in the Polish legal system,

3) research and work on procedural aspects of the application of law,

4) research and work on the axiology of jurisdictional proceedings,

5) scientific works dedicated strictly to practice (commentaries, specialized articles),

6) other research area.

Ad 1) Research and works devoted to the relations between legal policy and EU development policy have been the most important trend in my scientific work over the last decade. I consider their culmination to be the monograph described above in point 4. These works are based on practice, because I deal with this topic professionally as an administrative court judge.

I am also the author of two legal commentaries on national implementation laws in the field of development and cohesion policy (*see note 5 below*). These comments, developed since 2013 and then updated, became the basis for theoretical reflection, which was expressed in articles or chapters in books devoted to EU legal and development policy.

In general comments, I presented the two most important works preceding it (for the first time in the literature pointing to correlations between Petrażycki's concept and EU development policy) - texts from 2019: "Legal Policy by Leon Petrazycki vs. Theory of Law by Jerzy Wróblewski" and "European cohesion policy in light of Leon Petrazycki's concept of legal policy" (*see point 4.1.1. above*).

In the work "Polityka spójności i polityka sąsiedzka UE wobec Ukrainy a problem korupcji" *("EU Cohesion Policy and Neighborhood Policy towards Ukraine and the problem of Corruption", 2018, point 2h of the list of scientific achievements*), I discussed the basic principles and determinants of the EU development policy and its connections with the institution of the Eastern Partnership (using the example of Ukraine).

Theoretical characteristics of the relationship between systemically different development policies I presented in the text „Polityka spójności Unii Europejskiej a krajowa polityka rozwoju" *("European Union Cohesion Policy and National Development Policy", 2019, point 2l of the list of scientific achievements*). This trend also includes the works „Umowa partnerstwa jako forum współdziałania organów unijnych oraz podmiotów krajowych" *("Partnership Agreement as a forum for cooperation between EU Bodies and National Entities", 2020, point 2o of the list of scientific achievements*), „Ograniczanie barier prawnych i administracyjnych w polityce transgranicznej Unii Europejskiej" ("*Limiting legal and administrative barriers in the Ccross-Border Policy of the European Union", 2020, point 4h of the list of scientific achievements*) and „Polityka stosowania kar administracyjnych w obrocie towarami

wrażliwymi" *("Policy of applying administrative penalties in trade in sensitive goods", 2022, point 4j of the list of scientific achievements*).

Among them, I single out the text on legal barriers because it concerns a unique project (however, it has not yet been implemented) on the possibility of applying (in the cross-border area) the national law of one EU Member State on the territory of another. Taking into account certain political, systemic, legal and other differences between EU members, this project appears to be a fascinating research topic of legal policy.

The latest English-language text from the discussed scope of research, "Implementation procedures for EU development policy in Poland" (*2023, point 4l of the list of scientific achievements*) is devoted to the theoretical analysis of the implementation procedures of the EU development policy in Poland. Referring to the goals and principles of EU interventionism, I consider which of the models (modes) of procedures functioning in the Polish system have been adapted in national acts and what are their main differences. I also draw attention to such issues as the scope of the polish legislator's regulatory discretion, the effectiveness and availability of third-generation procedures (used in the field under consideration) and the specificity of their judicial control.

Ad 2) In parallel and in correlation with research on the aspects indicated above, I conducted research on the interpretation of EU law in national practice. Their results are the texts „Wykładnia aktów wielojęzycznego prawa pochodnego Unii Europejskiej przez polskie sądy administracyjne" *("Interpretation of acts of multilingual secondary law of the European Union by Polish Administrative Courts", 2014, point 4e of the list of scientific achievements, co-author of the article with Agnieszka Doczekalska*), „Wykładnia prawa unijnego przez organy i sądy administracyjne" (*"Interpretation of EU Law by Administrative Authorities and Courts", 2016, point 2c of the list of scientific achievements*), "Interpretation of the EU Law by the Authorities of the Member States. The doctrine and practice" (*2017, point 4f of the list of scientific achievements*) and „Harmonizacja praktyki interpretacyjnej organów Unii Europejskiej oraz sądów administracyjnych" *("Harmonization of the interpretative practice of European Union Authorities and Administrative Courts", 2018, point 2i of the list of scientific achievements*). The latter title reflects the essence of these studies based on a comparison of EU interpretive practice (based on the jurisprudence of the Luxembourg and Strasbourg tribunals with national practice - mainly the jurisprudence of Polish administrative courts), with an emphasis on the issue of theoretical assumptions of the interpretation of multilingual EU law.

The reference point for these analyses were elements of the EU doctrine (Rene Barents, Mattias Derlén, Agnieszka Doczekalska, Artur Nowak-Far and others) and Polish theoretical proposals, perceived in some idealization as integrated (cf. Maciej Zieliński and Marek Zirk-Sadowski, „Klaryfikacyjność i derywacyjność w integrowaniu polskich teorii wykładni prawa" (*"Clarification and Derivation in integrating Polish Theories of Legal Interpretation", RPEiS No. 2 /2011*). The results of these studies showed the similarity of interpretative directives and methods of argumentation and legal topics used by EU and national courts.

My and Agnieszka Doczekalska's research showed the growing role of non-linguistic (functional) interpretation. When applying functional directives, Polish administrative courts sometimes refer directly to treaty principles and the goals and values encoded in the interpreted texts of EU law (in particular in their preambles). This action fits into the argumentative model of applying law typical of Western doctrine. In the subjective aspect, there is a noticeable blurring of the boundaries between the positivistically perceived spheres of law-making and application, as well as symptoms of phenomena referred to in the doctrine as judicial law.

This action is consistent with the argumentative model of law typical of Western doctrine, leading to the blurring of the boundaries between the spheres of law-making and application.

In the text „Wykładnia i stosowanie przepisów Europejskiej Karty Samorządu Lokalnego przez sądy administracyjne" (*"Interpretation and application of the European Charter of Local Self-Government by Administrative Courts", 2015; point 2a of the list of scientific achievements*), I addres the issue of the legal nature and binding force of the provisions of the Charter, which in Polish constitutional doctrine is not considered a source of generally applicable law, but in case law is sometimes perceived this way (I develop this aspect in my monograph when describing soft law).

The cases discussed in these texts, stimulated by the convergence of cultures and legal systems, related to the multilingualism of EU law, the network, decentralized network system of managing EU policies, as well as the inflation of national text law, indicate the increasing importance of the role of the judiciary and judges also in the political dimension (this thread developed in the monograph; *see Chapter 8, point 8.3.*).

Ad 3) The topics indicated in the previous points are related to subsequent research threads developed in the studies discussed below, namely the procedural aspects of law and the axiology of its application.

As for the first area - articles „Judykatura a proceduralne aspekty prawa" (*"Judicature and procedural aspects of Law" 2013, point 4c of the list of scientific achievements*), „Prawda jako

przypadek praktyki. Uwagi na marginesie dogmatycznej koncepcji prawdy obiektywnej" (*"Truth as a case of practice. Notes on the margins of the dogmatic concept of Objective Truth", 2014, point 4d of the list of scientific achievements*) and the chapter „Prawda jako aksjomat postępowania przed sądem administracyjnym" (*"Truth as an Axiom of Administrative Court Proceedings", 2017, point 2e of the list of scientific achievements*) develops the topic of conventionalization of rules of cognition in judicial procedures and includes the critique of dogmatic constructions.

The text from 2013 is an extension of the issue already discussed in my doctoral thesis regarding the impact of procedural rules on the substantive aspects of the judicial application of law. The idea of distinguishing these two aspects comes from the works of Jerzy Wróblewski. My intention was to use the potential of this original and pioneering approach to the analysis of practice. In this analysis, I draw attention to how the procedural environment determines cognitive rules and (in a broader perspective the material aspects of the judicial application of law) influencing final decisions (in the language of dogmatics: judgments). This issue, little discussed in science, is also significantly related to the topic of the truthfulness of forensic knowledge, as well as the activism of judges focused on procedural rules.

The scientific goal of the two texts on truth is to contribute to the discussion on its understanding in the national legal doctrine and judicature. Analysing the discourse of dogmatics, I notice that a significant part of the disputes and discussions on the opposition of doctrinal formulas of truth: material truth, formal truth, etc. are barren and do not have sufficient theoretical and philosophical background. This is because this discourse is not about the truth, but about the rules of justification of factual assertions, behind which they apply some epistemological assumptions (typically positivist in relation to domestic procedures), but in fact rules that are purely conventional and relativized due to the legal norms in force and applied in the given procedures.

I also emphasize, developing the topic of ontological separation of fact from law (considered in the works of Maciej Zieliński, Lech Morawski and Tomasz Gizbert-Studnicki), that the positivist model of justifying statements about facts based on scientific knowledge, "encrypted" in national procedures, has limited applicability in cases of demonstrating "truthfulness" of conventional facts (institutional facts). Therefore, coherent or consensual concepts of truth are more useful for the theoretical characterization of these facts.

In the second of articles, from 2017, I strongly criticize the concept of the so-called "objective truth" (rooted in national doctrine, especially in administrative and tax law) as determined by political factors and not having sufficient philosophical and theoretical basis. Using examples

of polish jurisprudence functioning within two classic cognitive modes (inquisitorial and adversarial procedures), I also demonstrate that the use of this construction (despite the use of this name) is not consistent with its ideological and theoretical assumptions.

I consider other threads regarding the relationship between substantive and procedural aspects of law in the texts „Efektywność sądowej kontroli administracji publicznej w świetle prawa do skutecznego środka odwoławczego" (*"The effectiveness of judicial control of public administration in the light of the right to an effective remedy", 2012; point 4a of the list of scientific achievements*) and the English-language "Judicial control of the effectiveness of activities related to public administration", (*2021, point 4i of the list of scientific achievements*), as well as, written together with Tomasz Grzybowski, the study „E-formalizm. Uwagi na marginesie formalizacji i cyfryzacji procedur wdrożeniowych polityki rozwoju" *("E-formalism. Comments on the formalization and digitization of development policy implementation procedures",2023, point 2q of the list of scientific achievements*). In the last one, we draw attention to the correlations between the formal aspects of law and the axiology (ideology) of its application, which is related to the next research area.

Ad 4) The topic of the axiology of the application of law was present in most of the works presented above. Therefore, it cannot be treated as a separate research field, but as a complement to the issues I consider. However, I can point to works in which this is the leading topic. These are chapters in scientific monograph titled „O normatywności art. 8 k.p.a." (*"On the Normativity of art. 8 of the Code of Administrative Procedure", 2015, point 2b of the list of scientific achievements*), the English-language "Rule of Law as the Construction Principle of the Legal System" (*2018, point 2g of the list of scientific achievements; written together with Michał Peno*), also „Zasada zaufania w postępowaniu administracyjnym" (*"The Principle of Trust in Administrative proceedings", 2019, point 2k of the list of scientific achievements*), „O governance, prawie administracyjnym, sądowej kontroli działań administracji i dojrzałości, która je łączyć powinna" (*"On Governance, Administrative law, Judicial Control of Administrative Activities and the Maturity that Should Connect Them", 2019, point 2m of the list of scientific achievements; written together with Patrycja Joanna Suwaj*) and „Sądy krajowe a unijne zasady praworządności i podziału władz" (*"National courts and EU Principles of the Rule of Law and Separation of Powers", 2021, point 2p of the list of scientific achievements*).

The common thread of these texts is the issue of operationalization of principles in legal discourse against the background of the theoretical and legal discussion on the normative representation of values in law.

In the text on normativity, I draw attention to the fact that the basic difficulty in interpreting a provision containing principles is that, due to the evaluative phrases used in it, it is impossible to determine all situations in which such a provision will apply. The process of adaptation and concretization of its application takes place within the framework of practice, which is responsible for the "final shape" of the normativity of the values represented by such a provision. For this practice, not only the value(s) related to a given principle should be important, but also the communicative aspects of the law.

In texts on the rule of law, the main topic (for me) is the role and function of the judiciary as a truly functioning third power equipped with special competences to operationalize the rules and give them specific meanings. This creates some tensions between the authorities. Overcoming them, as I emphasize, is a permanent element of public debate and political practice. For mature and stable democracies, the need to share power on equal terms agreed in discourse is primarily a practice, implemented in accordance with conventions developed over many years. If the topic of limiting or controlling judicial power arises in such systems, it is not about its legitimacy, but about the limits of judicial activism. In the text on the third power, I also write about the axiological limits of the autonomy of the national judiciary as the EU judiciary).

The text on maturity mentions (among other things) the path that the Polish administrative judiciary has undergone from the "initial" function of a body that controls the legality of administrative action to the function of a body that also controls the axiology of the law applied by the administration (the judiciary as a guarantor of civil rights and freedoms). This undoubted result of judicial activism leads to significant changes in national law. Looking into the future and noticing certain dangers of "superactivism", we are wondering whether it would be worth popularizing among Polish judges the reflection, which in American science is called the "ripenees doctrine". We believe this could prove useful in easing the tensions between law and politics.

Ad 5) The studies indicated below are also of a scientific nature, but less theoretical than the previous ones, because they are directly addressed to practice. These are the texts „Problem konkurencyjności zarzutów oraz zażalenia w ustawie o postępowaniu egzekucyjnym w administracji" ("*The problem of competitiveness of Allegations and Complaints in the Act*

on Enforcement Proceedings in Administration", 2013, point 4b of the list of scientific achievements), „Związanie wskazaniami zawartymi w decyzji kasacyjnej organu odwoławczego" ("*Bound by the Indications Contained in the Cassation Decision of the Appeal Authority", 2016, point 2d of the list of scientific achievements*) and „Koordynacja systemów świadczeń rodzinnych obywateli Polski i Niemiec w perspektywie prawa unijnego *("Coordination of Family Benefit Systems for Polish and German Citizens in the perspective of EU Law", 2016, point 2f of the list of scientific achievements*).

These are comments on the Act on the Principles of Development Policy, the Polish Implementation Act in 2014-2020 and the Act on Petitions (all published in SIP el./LEX).

I am also a co-author of The Commentary on the (Polish) Local Government Act (C.H. Beck, 2023, eds. P. Drembkowski and P. J. Suwaj).

As for the glosses, they are: "Glossa to the Judgment of the Supreme Administrative Court of November 8, 2016, I OSK 1613/16", OSP No. 12/2014 and "Glossa to the Judgment of the Supreme Administrative Court of November 8, 2016 ., I OSK 1613/16", OSP No. 3/2019.

Ad 6) The remaining scientific works that are important in my opinion are texts: „O deficytach metody normatywno-pozytywistycznej w badaniu źródeł prawa" ("*On the deficits of the Normative-Positivist Method in the Study of Sources of Law, 2020, point 2n of the list of scientific achievements*) and „Argonauci prawa i literatury. Uwagi o przekładzie oraz komparatystyce w studiach nad prawem i literaturą" *("Argonauts of Law and Literature. „Notes on Translation and Comparative Studies in Law and Literature", 2022, point 4k of the list of scientific achievements*).

In the first one, referring to the relationship between law and politics, I point to the cognitive deficits of legal sciences resulting from the separation of these spheres, which use only dogmatic methods to solve practical problems.

In the second one, which is an announcement of a new area of my scientific interests, I consider the relations between comparative literature and literary translations and their counterparts in the law field. Referring to various theories and trends in comparative research, I draw attention to how the process of translating and comparing multilingual literary texts and legal texts is associated with a specific linguistic "calculation of profits and losses", forced by the conditions of the "transfer of meanings" from one language to another. I compare this transfer to crossing the borders of one world (empire), which is done in order to find in the other one the most adequate meaningful equivalents of the translated words.

The main focus here is on the work of legal translators and comparatists, whom (paraphrasing Barthez and Dworkin) I compare to the title Argonauts, accompanying the juridical Hercules.

As for my scientific activity in other units, in addition to the professional activity described above and publications at universities other than my home university, I have co-organized a few international conferences outside of it.

I was also co-editor of two scientific monographs that are the result of cooperation between different scientific units, including foreign ones.

I also gave guest lectures at Cardinal Stefan Wyszyński University, Warsaw School of Economics and Universities in Niš (Serbia) and Univeristy in Ostrog (Ukraine).

I am a member of the team implementing the project "Between hate and equality: THE EU as a guard of human rights and non-discrimination", subsidized by EU funds (ERASMUS_LS, project number 101047948). The project is ongoing.

Detailed information are included in the list of scientific achievements and scientific activity attached to my application.

6. Presentation of teaching and organizational achievements as well as achievements in popularization of science

My greatest teaching achievement seems to be the fact that I have been teaching for over 30 years (apart from occasional awards from the rector, I do not have any awards for this, because as a judge I preferred not to even claim them). The *résumé* of my organizational activities related to science are included in point 6 of the list of my scientific activity.

The most intensive and at the same time prolific organizational period was from 2014 to 2017, when I served as the (first) Dean of the newly established Faculty of Administration and National Security of The Jacob of Paradies University in Gorzów Wielkopolski (AJP).

In 2015-2016 I chaired the Lubusz Scientific Security Council - an interdisciplinary and inter-university team aimed at supporting the field activities of the administration by providing analyses and scientific expertise.

I am the Head of the Legal Policy and Development Policy Research Laboratory at the AJP and the Deputy Chairman of the Legal Sciences Team at the AJP.

I am a member of the Scientific Council of the journal „Studia Administration and Security", ISSN: 2543-6961 (*the journal is scored and published in the Open Access formula*).

As the Chairman of the Main Audit Committee, I am a member of the national authorities of the Polish Association for European Studies (*number in the register of associations KRS 0000491767*).

I also serve as the Chairman of the District Committee of the Law Knowledge Olympiad for the Lubuskie Voivodeship (since 2018). For several years I was a member of the commission for attorney-at-law examinations.

I popularize science primarily by combining science with practice, which I wrote about at the beginning of point 4 and traces of which can also be found in my case law and publications aimed primarily at practice. The Olympiad mentioned above is also an example of the popularization of science.

Years ago, I prepared a textbook for students (*point 1b of the list of scientific achievements*).