

The project being described herein, entitled "Legal position of an undertaking in the law of the European Union on State aid", aims to elucidate the legal situation of an undertaking, whose position is regulated by State aid law. The project aims to describe the rights, duties and remedies available to an undertaking. The research hypothesis for the present project is that the law on State aid construes the legal position of an undertaking asymmetrically, strengthening its rights when actions of an undertaking suit its effectiveness - and diminishing them, where opposite holds true.

Legal research of this area of law is needed, because there is a deficit of theoretical knowledge on State aid law. Individuals that make use of and are subject to that law (as well as authorities that grant it) may not easily ascertain which legal norms on State aid are in force or what is the content of such norms. It is also an important research subject by virtue of State aid law being covered by the exclusive competence of the EU - which means that the principle of subsidiarity, present under EU law, does not apply.

What is more, Polish law - which, as national law, implements and executes EU law - is not always in conformity with the latter. It is evident even in a different name for this branch of law - "public aid" law (*prawo pomocy publicznej*), instead of 'State aid law' or 'the law on State aid' (see P. Marquardt, *Pomoc publiczna dla małych i średnich przedsiębiorstw*, Warsaw 2007, p. 24).

The author addresses the provisions of EU law, Polish law, the jurisprudence of the Court of Justice of the European Union and the jurisprudence of Polish courts, in order to describe - in a scientifically sound manner - the commands, prohibitions and possibilities that flow from State aid for an undertaking.

Several issues would be analyzed through this research, such as the requirements to deem a certain financial support "State aid", the definition of an "undertaking" under State aid law, specific types of aid (including de minimis aid and "horizontal" aid that makes use of the General Block Exemption), proceedings before the European Commission, the Court of Justice of the European Union and the national courts as to the cases that exhibit a link to State aid law, remedies, legal claims and defences able to be raised due to State aid law, as well as the practice of authorities applying State aid law. One of the important elements of research is a consideration of the fundamental rights found in the law of the European Union and applied in all situations when EU law is applicable (viz. judgment of the Court of Justice of 26th of 2013, case C-617/10 *Åklagaren v. Hans Åkerberg Fransson*, ECLI:EU:C:2013:105, para. 21).

One of the qualities of the research in question is a detailed analysis of the procedural questions related to State aid. The author - at the time of writing, a doctoral candidate, and at the same time a trainee advocate (*aplikant adwokacki*) - brings due attention to the issues of enforcement of claims or rights of an undertaking, being of opinion that an analysis of substantive law alone would not be sufficient. This view finds expression in an in-depth research of the proceedings before the national courts and administrative authorities, with regard to the Polish statutes on procedures. These would include, *inter alia*, the Act of 14 of June 1960 - Code of Administrative Procedure (Polish Official Journal of 2013, item 267, as amended), the Act of 30 of August 2002 - the Law on the Proceedings before the Administrative Courts (Polish Official Journal of 2012, item 270, as amended) and the Act of 17 of November 1964 - Code of Civil Procedure (Polish Official Journal of 2014, item 101, as amended). Additionally, in the analysis the author would include *e.g.* the Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 108 of the Treaty on the functioning of the European Union (OJ L 083, 27.3.1999, p.1, as amended) and the provisions of the Treaty on the Functioning of the European Union on State aid (OJ C 326, 26.10.2012, p. 47-390, as amended), along with the Polish Act on the Proceedings in Cases involving Public Aid (Polish Official Journal of 2007, No. 59, item 404, as amended).

The author would primarily use the doctrinal method, known to legal scholarship. However, by virtue of the fact that such a method not always leads to a result of the analysis (being less usable *e.g.* when a lacuna is encountered), the author would also the empirical method into account. The latter method would also be used to verify the results of the application of the doctrinal method, as to the interpretation and inferences, in addition to presenting the relevant authorities' views on the matters of State aid law. Lastly, in contribution to the 'external integration' of legal sciences, the author would use the economic analysis of law ('law and economics'), given that State aid law makes use of the concepts employed by or taken from economics.