

**Streszczenie rozprawy doktorskiej Mgr Daniela Szalkiewicza /j.angielski/
pt. „Deposit, distribution and withdrawal of funds from an open pension
fund.”**

This dissertation serves as an in-depth analysis of legal and practical aspects of the functioning of OPF in terms of deposit, withdrawal and distribution of funds. These issues are critically important for the pension system, practice of law and the interest of the insured.

The first chapter discusses legal aspects of the deposit of funds to OPF, i.e. the issues connected with the rise of legal title for pension insurance and, in consequence, the start of transfer of pension contributions by the insured. The analysed issues are mainly pension contributions deposited into OPF and originating from or related to public funds, which seem to be particularly interesting. Each question is discussed based on the original legal acts as well as issues arising from applying provisions thereof. Three random titles for insurance have been analysed in order to present the issue where the pension contribution is transferred from public funds by social method. These thoughts served as a basis for the more general conclusions.

Chapter two presents issues connected with financial operations on the account of the member of OPF. Practical issues connected with divorce, death, inheritance and the transfer of funds by the member of OPF resulting therefrom have been discussed respectively. For the purpose of detailed analysis of the issue, apart from the regulations of legal acts, practical problems resulting from interpretation have also been presented. Questions shown by the author in this part of the dissertation stem largely from the conducted research on two OPFs operating on the Polish market, as well as from contacts with Financial Supervision Commission. In chapter two of this dissertation on multiple occasions uncertainties stemming from ambiguous provisions regulating certain matters as well as suggestions on possible OPF practices in certain situations have been indicated. The chapter is supported with several charts which enable the reader to better understand the discussed issue.

The third chapter shows particular issues connected with the withdrawal of funds from OPF. Regulations on the following issues: safety slider, temporary capital retirement pension, the transfer of funds from OPF to the state budget revenues have been presented respectively. Each section ends with thoughts on the purposefulness of the given institution.

The dissertation is based mainly on the applicable law, also numerous studies and specialist literature. The dissertation is supported with comparisons and charts prepared largely on the basis of data collected by the author. For the purpose of the dissertation documents, data and studies were used from the World Bank, Government of the Republic of Poland, Social Insurance Institution, Polish Financial Supervision Authority and its predecessors, studies conducted within two OPFs operating on the Polish market and the information collected during CEDUR trainings from law practitioners working in the presented area. This dissertation used as basic method the dogmatic and legal method of the applicable provisions and principles. The comparative and legal method and historical and legal methods have been used to a lesser extent. The constitutionality and economic viability of OPFs discussed in legal and economic literature are predominantly outside the scope of the author's considerations.