

S J L S

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SILESIAN JOURNAL OF LEGAL STUDIES

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Foreword by
Barbara Mikołajczyk



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EDITORIAL

Welcome already to the seventh issue of the *Silesian Journal of Legal Studies* (SJLS). In this volume we continue our legal discourse over geographical and legal borders. We present texts submitted by authors from Switzerland, the Czech Republic and – as usual – from Portugal.

The texts of the Portuguese professors, José João Abrantes and Paulo Ferreira da Cunha, are dedicated to issues balancing labour law and constitutional law and history. José João Abrantes from Universidade Nova de Lisboa has written an article referring to the contemporary and sensitive problem of the economic crisis in Europe that has resulted in great changes in Portuguese legislative policy, providing “*flexibility*” in labour law. Paulo Ferreira da Cunha from Porto University analyses the Portuguese road to democracy.

We also present an interesting text dedicated to consumer credit contracts after the re-codification of private law in the Czech legal order. Its author, Jakub Dohnal, representing the Faculty of Law of Palacký University in Olomouc, explores this issue, which seems to be very useful for anyone involved in the practical implementation of the idea of the free movement of goods, capital and persons across borders.

Finally, I would like to recommend a comprehensive study on Frontex’s responsibility for human rights violations. This profound essay has been drawn up by Izabella Majcher from the Graduate Institute of International and Development Studies, Geneva Global Detention Project.

This issue also contains reports on selected conferences and seminars that were organised at our Faculty. Taking into account the main idea of our Journal – the legal discourse over borders – the report on the Programme in European Private Law for Postgraduates (PEPP) should draw the reader’s attention. In 2014/2015, PEPP is celebrating its fifth edition. The Programme is a scholarship programme for doctorate students and consists of four intense weeks of lectures and workshops, spread out over one year and held in various universities and institutes. Its fourth edition embraced the University of Münster (the coordinator), the Bucerius Law School in Hamburg, the Max Planck Institute for Comparative and International Private Law (MPI) in Hamburg, the University of Silesia in Katowice, the University of Wrocław, the University of Cambridge, the University of Leuven, the University of Valencia, and the University of Genoa.

As in previous issues, in this issue of SJLS we continue to present a list of selected monographs published in 2014 by the researchers from our Faculty of Law and Administration, as well as a list of conferences organised or co-organised by the Faculty and our foundation *Facultas Iuridica*. It should be stressed that our legal discourse over borders is possible, as in previous years, thanks to *Facultas Iuridica*, which covers most of the publishing costs of the journal.

* * *

The texts contained in SJLS No. 7 tackle various constitutional, international and civil issues. They may be useful not only for researchers but also for practitioners, students as well as for NGOs. We believe that we will also cater to this broad spectrum of readers in subsequent issues. Therefore, we invite you to read our journal and we warmly welcome researchers from Polish and foreign universities to submit their contributions (find us at: www.sjls.us.edu.pl).

Barbara Mikołajczyk



LIST OF SELECTED BOOKS PUBLISHED BY THE RESEARCHERS OF THE FACULTY OF LAW AND ADMINISTRATION OF THE UNIVERSITY OF SILESIA IN 2014

Barcik Jacek

Dyplomacja w systemie bezpieczeństwa narodowego

[*Diplomacy in the national security system*]

Wyższa Szkoła Wojsk Lądowych im. T. Kościuszki, Wrocław 2014, pp. 191

Dukiet-Nagórska (ed.)

The postulates of restorative justice and the continental criminal law

Peter Lang, Frankfurt am Main 2014, pp. 229

Gronkiewicz Anna, Ziółkowska Agnieszka

Organizacja pracy biurowej w administracji. Zagadnienia prawne

[*Organizing office work in administration. Legal aspects*]

Forma Studio s.c, Katowice 2014, pp. 282

Habdas Magdalena

Property and Trust Law. Poland. International Encyclopaedia of Laws

Wolters Kluwer, Alphen aan den Rijn, NL, 2014, pp. 294

Kania Michał

Zamówienia publiczne. Partnerstwo publiczno-prywatne. Koncesje na roboty budowlane lub

usługi w prawie polskim. Instytucje prawne realizacji przedsięwzięć publicznych

[*Public procurement law. Public-private partnership, works and service concessions. Legal institutions concerning public investment in Poland*]

Difin, Warszawa 2014, pp. 200

Łaszczyca Grzegorz

Akta sprawy w ogólnym postępowaniu administracyjnym

[*Case – files in general administrative proceedings*]

Wolters Kluwer, Warszawa 2014, pp. 332

Matan Andrzej

Rażące naruszenie prawa jako przesłanka odpowiedzialności majątkowej funkcjonariusza publicznego

[*Flagrant violation of the law as a prerequisite of a public official's financial liability*]

Wolters Kluwer, Warszawa 2014, pp. 511

Mikołajczyk Barbara, Nowakowska-Małusecka Joanna (ed.)

Prawo organizacji międzynarodowych wobec problemów współczesnego świata
[*The law of international organizations in the context of the current problems of the world*]
Oficyna wydawnicza Edward Mitek, Bydgoszcz-Katowice 2014, pp. 555

Pietrzykowski Tomasz

Ujarzmienie Lewiatana. Szkice o idei rządów prawa
[*Taming the Leviathan. Essays on the idea of the rule of law*]
Wydawnictwo Uniwersytetu Śląskiego, Katowice 2014, pp. 150

Popiołek Wojciech (ed.)

Wkłady niepieniężne w spółkach handlowych
[*In – kind contributions in commercial companies*]
Wydawnictwo Lexis Nexis, Warszawa 2014, pp. 507

Tkacz Sławomir

O zintegrowanej koncepcji zasad prawa w polskim prawoznawstwie (od dogmatyki do teorii)
[*The integrated concept of the principles of law in Polish jurisprudence (from dogmatics to theory)*]
Wydawnictwo Adam Marszałek, Toruń 2014, pp. 476

Wierzbica Anna

Referendum i wybory oraz zarządzenia i uchwały jednostek samorządu terytorialnego. Władze, administracyjnoprawne formy wyrażania woli przez jednostki samorządu terytorialnego
[*The referendum, elections, ordinances and resolutions of local government units. Authoritative, administrative expressions of local government units' will*]
Wydawnictwo LexisNexis, Warszawa 2014, pp. 435

Witosz Antoni

Rozwiązanie i likwidacja spółek handlowych
[*Dissolution and liquidation of commercial companies*]
Wydawnictwo LexisNexis, Warszawa 2014, pp. 226



**LIST OF CONFERENCES
ORGANISED AT THE FACULTY OF LAW
AND ADMINISTRATION OF THE UNIVERSITY
OF SILESIA IN 2014**

MARCH

Jawność działania w samorządzie terytorialnym
Transparency of Local Government Activities

APRIL

Śląska Konferencja Medyczno-Prawna
The Silesian Conference on Medicine and Law

MAY

Prawo organizacji międzynarodowych wobec wyzwań współczesnego świata
The Law of International Organizations and the Challenges of Contemporary World

SEPTEMBER

Konsekwencje wejścia w życie w Polsce i innych państwach Unii Europejskiej Rozporządzenia Parlamentu Europejskiego i Rady nr 650/2012 z dnia 4 lipca 2012 r. w sprawie jurysdykcji, prawa właściwego, uznawania i wykonywania orzeczeń, przyjmowania i wykonywania dokumentów urzędowych dotyczących dziedziczenia oraz w sprawie ustanowienia europejskiego poświadczenia dziedziczenia

Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession – consequences of its entry into force in Poland and in other EU States

Urzędnik jako strażnik realizacji ustawowych obowiązków względem zwierząt
The Civil Servant as a Guardian of The Proper Fulfilment of Statutory Obligations Regarding Animals

Egzekucja świadczeń niepieniężnych – wybrane zagadnienia
The Execution of Non-cash Performances – Selected Issues

OCTOBER

Użycie broni palnej jako środka przymusu bezpośredniego. Aspekty prawne
Firearms as a Means of Coercion-Legal Aspects

Iudex suspectus w teorii i w praktyce
Iudex Suspectus in Theory and in Practice

NOVEMBER

Port lotniczy miejscem świadczenia usług
The Airport as a Place of Performing Services

Evolution of Private Law

DECEMBER

Postępowanie kasacyjne w sprawach cywilnych – aspekty teoretyczne i praktyczne
Cassation Proceedings in Civil Cases – Theoretical and Practical Aspects

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