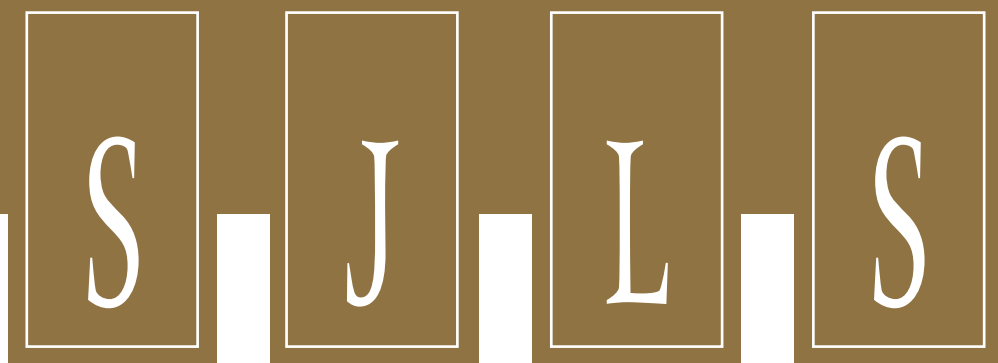




SILESIA JOURNAL OF LEGAL STUDIES



Faculty of Law and Administration, University of Silesia

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VOL.

8



WYDAWNICTWO
UNIERSYTETU ŚLĄSKIEGO
KATOWICE 2016

SILESIAN JOURNAL OF LEGAL STUDIES



NR 3318

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SILESIAN JOURNAL OF LEGAL STUDIES

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Foreword by
Joanna Nowakowska-Małusecka

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Katowice 2016

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EDITORIAL

It is our great pleasure to present the eighth issue of the *Silesian Journal of Legal Studies* (SJLS) as a continuity of previous discussions made in its columns. Representatives of legal science from the Czech Republic, Nigeria, Slovakia and Poland present their knowledge, experience, opinions on various questions as well as decisions of international tribunals.

The texts of Polish Authors from the University of Silesia in Katowice – Rafał Bilcharz and Anna Hołda-Wydrzyńska – present issues on broadly understood public economic law. Specific questions have been asked about trading on capital markets as well as personal data protection for sole traders. There are also two articles devoted to private international law. The first one, prepared by Anna Juryk from the Pedagogical University of Cracow, deals with the problem of protection of adults. The second one – submitted by Naděžda Rozehnalová from Masaryk University in Brno – presents the process and results of the codification of Czech private international law.

Some other interesting texts concentrate on various European Union law problems. Anna Magdalena Kosińska from John Paul II Catholic University of Lublin focuses on questions connected with criminalising irregular migration. She also looks at this problem in the context of the effectiveness of the return policy, taking into account the CJEU's Ruling in connection with Case C 38/14. Further, Aneta Skorupa-Wulczyńska from The Institute of Law Studies at the Polish Academy of Sciences, while analysing the linguistic regime of the European Union, looks at the issue from a legal, political, economic and linguistic point of view. It is an interesting problem in the context of EU citizens' rights and their unrestricted access to EU legislation in their own languages. In the part of the *Journal* titled *Materials*, another EU-related text can be found. Adriana Kalicka-Mikołajczyk from the University of Wrocław looks at the Madad Fund and its role in the crisis in Syria.

In this issue of the *Journal* we also present two articles related to human rights aspects. The first one comes from Nigeria, in which the author, Michael C. Ogwezy (Adekunle Ajasin University) concentrates on the decision of the SADC Tribunal in the case of Mike Campbell v. The Republic of Zimbabwe. In the second, Paweł Mielniczek from the University of Warsaw presents his remarks on the concept of sovereignty and the extraterritorial application of human rights treaties in light of the universality of human rights.

We also recommend an interesting text on issues going further into space, in which its author, Marek Miłkuła from the University of Silesia, focuses on the question of the exploration of Mars and the exploitation of its resources.

Finally, we offer an article by Andrea Olšovská and Marek Švec from the University of Trnava related to labour law. They suggest an answer to the question given in the title: How to monitor employees but protect employee privacy?

This issue also contains reports on selected conferences and seminars that were organised at our Faculty or by other scientific institutions. For the Faculty, the report on the Jessup Moot Court Competition is of great importance and should draw the reader's attention as our students participated in it, representing the Faculty. It is a high-level competition on public international law.

As in previous issues, we present a list of selected monographs published in 2015 by 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*. We would like to stress that the publication of the *Journal* is, as in previous years, possible thanks to *Facultas Iuridica*, which covers most of the publishing costs of the *Journal*.

Issue No. 8 of SJLS touches upon several disciplines: economic law, labour law, public and private international law, human rights and EU law, and they are presented by researchers from universities from a range of countries. So it is clearly visible that, like in previous issues of the *Journal*, we continue international discussions on various legal problems – discourse across borders, not only European. We would like to go further in this direction in our subsequent editions, that is why we warmly invite researchers from Polish and foreign universities to read this and to submit their texts to us, sharing their views on legal problems. The materials contained in the issue may be useful not only for researchers, but also for practitioners as well as for students. You can find us at www.sjls.us.edu.pl.

Joanna Nowakowska-Małusecka



LIST OF SELECTED BOOKS PUBLISHED BY THE RESEARCHERS OF THE FACULTY OF LAW AND ADMINISTRATION OF THE UNIVERSITY OF SILESIA IN 2015

Bielska-Brodziak Agnieszka (ed.)

O czym mówią prawnicy, mówiąc o podmiotowości
[What lawyers mean when they speak of an entity]
Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Biłgorajski Artur (ed.)

Wolność wypowiedzi versus wolność religijna. Studium z zakresu prawa konstytucyjnego, karnego i cywilnego
[Freedom of speech versus freedom of religion. A study on constitutional, penal and private law]
C.H. Beck, Warszawa 2015

Biłgorajski Artur

Granice wolności wypowiedzi przedstawicieli zawodów prawniczych
[The limits of freedom of speech for the legal profession]
LEX a Wolters Kluwer business, Warszawa 2015

Blicharz Rafał (ed.)

Publiczne prawo gospodarcze. Zarys wykładu
[Public economic law. An outline.]
LEX a Wolters Kluwer business, Warszawa 2015

Bogucki Stanisław, Krasuska-Terrillon Anna, Mikołajczyk Barbara, Wach Bartosz, Zieliński Marek

Funkcje konsulów Rzeczypospolitej Polskiej: komentarz
[The duties of consuls of the Republic of Poland: a commentary]
LEX a Wolters Kluwer business, Warszawa 2015

Czerwińska-Koral Katarzyna

Podział quoad ad usum nieruchomości rolnej
[The quad ad usum division of agricultural real estate]
C.H. Beck, Warszawa 2015

Dolnicki Bogdan (ed.)

Jawność w samorządzie terytorialnym
[Transparency in local governments]
LEX a Wolters Kluwer business, Warszawa 2015

Dolnicki Bogdan (ed.)

Samorząd terytorialny w Polsce i Portugalii. Analiza prawnoporównawcza

[Local government in Poland and Portugal. Comparative legal analysis]

Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Fras Mariusz

Umowa ubezpieczenia grupowego

[The contract of group insurance]

LEX a Wolters Kluwer business, Warszawa 2015

Glumińska-Pawlic Jadwiga (ed.)

Rozważania nad Ordynacją podatkową – de lege lata i de lege ferenda

[Deliberations on the tax statute – de lege lata and de lege ferenda]

AM Poligrafia, Katowice 2015

Glumińska-Pawlic Jadwiga, Janik Ewa (eds.)

Egzekucja należności publicznoprawnych. Teoria i praktyka

[The execution of public law duties. Theory and practice]

Kaga-Druk, Izbicko 2015

Górecki Jacek, Pazdan Maksymilian (eds.)

Nowe europejskie prawo spadkowe

[New European succession law]

LEX a Wolters Kluwer business, Warszawa 2015

Gronkiewicz Anna, Ziółkowska Agnieszka (eds.)

Rodzina w prawie administracyjnym

[Family in administrative law]

Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Grzybczyk Katarzyna

Twórczość internautów w świetle regulacji prawa autorskiego na przykładzie fanfiction

[The creative output of internet users based on fanfiction, in the light of intellectual property law]

Wolters Kluwer SA, Warszawa 2015

Gwoździewicz-Matan Paulina

Umowa użyczenia muzealium w prawie prywatnym

[The gratuitous loan contract of museum objects in private law]

Wolters Kluwer SA, Warszawa 2015

Habdas Magdalena

Property and Trust Law in Poland

Wolters Kluwer, Alphen aan den Rijn, NL 2015

Janik Marcin

Płaszczyzny działania organów policji sanitarnej w sferze nadzoru sanitarnego i epidemiologicznego. Studium administracyjnoprawne

[The activities of sanitary police in the sphere of sanitary and epidemiological supervision]

Oficyna Wydawnicza Wacław Walasek, Katowice 2015

Kania Michał

Partnerstwo publiczno-prywatne w sektorze szkolnictwa wyższego

[Public-private partnership in the higher education sector]

Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Koper Radosław

Badanie świadka w aspekcie jego ochrony w procesie karnym

[Examining the witness in the light of his protection in penal procedure]

LEX a Wolters Kluwer business, Warszawa 2015

Łabno Anna (ed.)

Idea solidaryzmu we współczesnym prawie konstytucyjnym. Doświadczenia polskie i międzynarodowe

[The concept of solidarity in contemporary constitutional law. Polish and international experiences]

Wydawnictwo Sejmowe, Warszawa 2015

Łobos-Kotowska Dorota, Bieluk Jerzy

Ustawa o ochronie gruntów rolnych i leśnych. Komentarz

[The act on the protection of agricultural and forested land. A commentary]

C.H. Beck, Warszawa 2015

Martysz Czesław (ed.)

Jawność i jej ograniczenia, Tom VII Postępowanie administracyjne

[Transparency and its limitations. Vol. VII Administrative procedure]

C.H. Beck, Warszawa 2015

Netczuk Robert (ed.)

Użycie broni palnej jako środka przymusu bezpośredniego. Aspekty prawne

[The use of firearms as a means of direct coercion]

Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Nowakowska-Małusecka Joanna, Topa Ilona (eds.)

Międzynarodowe i europejskie prawo karne – osiągnięcia, kierunki rozwoju, wyzwania

[International and European criminal law – achievements, development options, challenges]

Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Ogiegło Leszek (ed.)

Prawo farmaceutyczne. Komentarz, wyd. 2

[Pharmaceutical law. A commentary]

C.H. Beck, Warszawa 2015

Ogiegło Leszek (ed.)

Ustawa o zawodach lekarza i lekarza dentystry, wyd. 2

[The act on the profession of a medical doctor and of a dentist, 2nd ed.]

C.H. Beck, Warszawa 2015

Pietrzykowski Tomasz, Bogucka Iwona

Etyka w administracji publicznej

[Ethics in public administration]
Wolters Kluwer SA, Warszawa 2015

Pinior Piotr, Zielińska Ewa, Żaba Mateusz (eds.)
Evolution of private law, vol. II
Oficyna Wydawnicza Waclaw Walasek, Katowice 2015

Półtorak Magdalena
Kobiety – kwoty – polityka. Gwarancje równości płci w Unii Europejskiej
[Women – quotas – politics. Guarantees of equality between sexes in the European Union]
Wydawnictwo Sejmowe, Warszawa 2015

Sitarz Olga (ed.)
Metodyka pracy mediatora w sprawach karnych
[The methodology of mediator's work in penal cases]
Difin, Warszawa 2015

Sitarz Olga
Czynny żal związany z usiłowaniem w polskim prawie karnym. Analiza dogmatyczna i kryminalnopolityczna
[Active repentance connected with attempt in Polish penal law]
Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Sitarz Olga
Kodeks karny + Schematy, wyd. 2
[The penal code + charts]
Wolters Kluwer SA, Warszawa 2015

Sitarz Olga
Materiałne prawo wykroczeń: część ogólna
[Substantive misdemeanours law – the general part]
Difin, Warszawa 2015

Stawarska-Rippel Anna
Elementy prywatne i publiczne w procesie cywilnym w świetle prac kodyfikacyjnych w Polsce (1918–1964). Studium historyczno-prawne
[Public and private elements in civil procedure in the light of codification in Poland (1918–1964)]
Wydawnictwo Uniwersytetu Śląskiego, Katowice 2015

Strzebińczyk Anita, Rott-Pietrzyk Ewa (eds.)
Akty poświadczenia dziedziczenia na tle harmonizacji prawa prywatnego
[Certificates of succession in the context of private law harmonization]
Wydawnictwo Od.Nowa, Katowice 2015

Strzępka Janusz (ed.)
Kodeks spółek handlowych. Komentarz, wyd. 7
[Commercial companies code. A commentary]
C.H. Beck, Warszawa 2015

Sychta Katarzyna

Kodeks postępowania karnego ze schematami, Wydanie I

[Penal procedure code with charts, 1st ed.]

Wolters Kluwer SA, Warszawa 2015

Torbus Andrzej (ed.)

Mediacja w sprawach gospodarczych. Praktyka – teoria – perspektywy

[Mediation in commercial cases]

Ministerstwo Gospodarki. Departament Doskonalenia Regulacji Gospodarczych, Warszawa 2015

Witosz Antoni, Witosz Aleksander Jerzy

Prawo gospodarcze dla ekonomistów

[Commercial law for economists]

Wolters Kluwer SA. Warszawa 2015

Wolwiak Ireneusz

Doręczenia w postępowaniu cywilnym

[Serving notices in civil procedure]

C.H. Beck, Warszawa 2015

Zacharko Lidia, Matan Andrzej, Gregorczyk Dawid (eds.)

Administracja publiczna – aktualne wyzwania

[Public administration – current challenges]

AM Poligrafia, Katowice 2015

Zagrodnik Jarosław, Ludwiczek Arkadiusz

Radca prawny jako obrońca w postępowaniu przygotowawczym oraz postępowaniu przed sądem pierwszej instancji

[Legal counsellor as a defence council in preliminary procedure and in procedure before a first instance court]

Ośrodek Badań, Studiów i Legislacji Krajowej Rady Radców Prawnych, Warszawa 2015



LIST OF CONFERENCES ORGANISED AT THE FACULTY OF LAW AND ADMINISTRATION OF THE UNIVERSITY OF SILESIA IN 2015

JANUARY

Programme in European Private Law for Postgraduate (PEPP)

MARCH

25 lat samorządu terytorialnego w Polsce [25 years of local governments in Poland]

APRIL

II Śląska Konferencja Medyczno-Prawna [Second Silesian Conference on Medicine and Law]

MAY

Aktualne problemy prawa gospodarowania odpadami [Current problems of waste management law]

Partnerstwo publiczno–prywatne w świetle nowych dyrektyw unijnych [Public-private ownership in the light of new EU directives]

Prywatyzacja zadań policyjnych. Korzyści i niebezpieczeństwa [Privatization of police tasks. Benefits and dangers]

Prawo rynku kapitałowego w praktyce [Capital market law in practice]

JUNE

Prawa pokrzywdzonego w postępowaniu karnym [The rights of the victim in penal procedure]

Dziś i jutro doświadczeń na zwierzętach [Tests on animals – today's and tomorrow's reality]

SEPTEMBER

Administracja publiczna – aktualne wyzwania [Public administration – current challenges]

Nadzór nad komornikami sądowymi i organami samorządu komorniczego [Supervision of court bailiffs and organs of bailiffs' self-governments]

Bilateralna niemiecko-polska harmonizacja prawa prywatnego w procesie integracji prawa Unii Europejskiej. Uzupełnienie czy opozycja? – część III [Bilateral, Polish-German harmonization of private law in the process of integrating the law of the European Union. Supplementation or opposition?]

OCTOBER

Evolution of Private Law

O stanowieniu, pojmowaniu i stosowaniu norm kolizyjnych europejskiego i krajowego prawa prywatnego międzynarodowego [Establishing, comprehending and applying collision norms of European and national private international law]

NOVEMBER

Applicable Law in International Arbitration

DECEMBER

Prawo broni i materiałów wybuchowych [The law on firearms and explosives]

Dzień Edukacji na Rzecz Zwierząt [Education Day on Animals]

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Wydawnictwo Uniwersytetu Śląskiego
Wszelkie prawa zastrzeżone

ISSN 0208-6336
ISSN 2080-1912 (wersja drukowana)
ISSN 2353-9666 (wersja elektroniczna)

Wydawca
Wydawnictwo Uniwersytetu Śląskiego
ul. Bankowa 12B, 40-007 Katowice
www.wydawnictwo.us.edu.pl
e-mail: wydawus@us.edu.pl

Wydanie I. Ark. druk. 11,0. Ark. wyd. 13,0. Przekazano do łamania we wrześniu 2016 r. Podpisano do druku we wrześniu 2016 r.
Papier offset. kl. III, 80 g. Nakład 250 + 50 egz.

Cena 22 zł + VAT

Producent: Wacław Walasek Oficyna Wydawnicza WW
ul. Mieszka I 15, 40-877 Katowice

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ISSN 0208-6336
ISSN 2353-9666

