1. EU Legal Studies Development

From its very beginning the process of the Polish political system transformation was strongly connected to the integration with the European Community. The Polish ruling elite made efforts to be admitted to the European Union since 1990-s. Eventually on 16 April 2003 the Accession Treaty was signed in Athens. Interestingly, it was the same place, where over ten years earlier the motion for a membership had been made. Offically Poland became a member of the European Union on 1 May 2004. In Poland, since its accession, there have been two autonomic legal systems in force – the Polish and the Community’s.

As a response to that newly ensuing legal and social situation and mounting publicity for the European integration the academic community strived for creating new subjects, aiming at concentrating on the issue at humane Faculties. Later study courses on European problems were also established. Prominent Polish universities set up special units to educate prospect experts on the European Studies. Such departments were created at the Jagiellonian University in Cracow, the University of Economics in Poznan, as well as the University of Warsaw, the University of Silesia in Katowice and the Warsaw School of Economics1.

Eventually, according to the order of the Minister of National Education and Sport, issued on 3 November 2003, the above mentioned study course was officially sanctioned and became a part of the curriculum at universities, colleges – and oddly as it may seem – at technical universities as well.

It should be stressed, that according to the estimation of Personnel Education Coordination Agency, in 2002 already the European studies were the scope of interest and lectured at more than 50 state universities and at a comparable number of private schools in all of the Polish provinces. What is important, these data relate to all types of studies – those completed with the Bachelor’s, Master’s, postgraduate, as well as Doctor’s degree, in both full-time, part-time and evening form of studies2.

1 K. Polak, Kiedy europeistyka. „Gazeta Prawna” nr 108, 4.06.2003.
As a matter of fact, during the last decade European Studies courses have been gaining more and more students’ attention and popularity every year. Parallel to this trend the number of universities offering them has also been increasing.

2. Comprehensive Review of the Evolution of the EU Law (legal) Studies over the Last Decades in Different Disciplines

Since the European Studies became officially sanctioned, due to issuing the order of the Minister of National Education and Sport from 2003, it has attracted constant interest and ranked among twenty most often chosen fields of study in Poland. The origin of these Studies derive from the union institutions’ expanding and increasing in demand of well-qualified administrative and managerial personnel.

Polish model of European Studies draws on the experience of the College d’Europe in Bruges, established in 1950. On the contrary to the American model, which concentrates on acquiring encyclopedic knowledge about Europe, this one rather focuses on studying Law, Economics, History and Culture. Polish model concentrates on conveying competence and giving knowledge mainly in Law, particularly the European Union Law, Public Administration and the EU Economy.

It was no sooner than after the system transformation in 1989, that the issue of the European Union may have arisen and the European Studies started to be lectured at Polish universities. At the beginning they functioned mainly at the Faculties of Law and Administration, since they were incorporated into existing syllabus expanded only for the UE law aspects. Over the course of time, separately and independently functioning departments of the European Law began to be established. As a matter of fact, the University of Silesia in Katowice, the University of Warsaw and the Jagiellonian University in Cracow were on the forefront of the trend.

The evolution of the European Studies may be well observed on the example of the University of Warsaw. No sooner than 1992 did the European Centre in the University of Warsaw came into existence and introduced a new field of study – firstly in the form of postgraduate studies and later on – with the Bachelor’s Degree at the Faculty of International Relations, with the specialty of the European Integration. Currently the Centre supervises

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3 Current data are available at the official web site of the Ministry of Science and Higher Education: http://www.nauka.gov.pl/g2/oryginal/2013_05/c0d2d8f92a1484fa8f009cb7bdf372cd.pdf
4 Due to information e.g. at www.ce.uw.edu.pl.
interdepartmental studies of the first and second academic degree of the European Studies course.

The European Studies have been developing simultaneously in two ways. On the one hand, the Faculties of Law at classical universities and the Departments of the European Union Law at economic and technical universities widened their educational curricula with the new aspects of the community law. On the other hand, separate and independent European Studies courses were set up. In regard to this very natural course of development, public universities could enhance competitiveness at the educational market. This way of evolution was successfully adopted by the University of Szczecin. As a matter of fact, till 2003 there had been no other option but to study the EU issues only within a specialisation. Afterwards, due to the previous instructive experience, the University became able to initiate an independent course.

At present almost all public universities possess the European Studies courses in their education offer, even relatively new ones. The process of incorporation of the European Studies into universities’ curricula was still on-going during the last few years, the evidence of which may be the fact, that there was established a new such separate course – in the academic year 2009/2010 at the University of Opole.

A subsequent step of the development was an introduction of the two-stage system of education. Since 1 September 2005 there have existed both the Bachelor’s Degree (tree years of studies) and the Master’s Degree (complementary two years of studies). Some of the universities, an example of which is the University of Rzeszow, took advantage of the opportunity and firstly introduced the Bachelor’s Degree studies and later on, after launching them successfully, also started a complementary Master’s Degree course. The accreditation procedure becomes much simpler due to that specific course of action.

Currently it is possible to study the issue at almost every level of education, i.e. at the Bachelor’s, Master’s, postgraduate and Doctor’s degree. Additionally, many Polish universities take opportunity of participating in the international programmes of the Master’s Degree in the European Studies (the example of which may be the Jagiellonian University in Cracow and the Warsaw School of Economics). It is worth mentioning, that the European Studies are lectured not only at humanist oriented colleges and Faculties of Law, but at the technical and economics universities as well. Thus, in response to students’ constant interest in this field of study, also private colleges widen their educational offer on the European Studies.

3. The Most Studied Issues in the EU Law Studies
Due to the fact that in Poland studies on the European Union Law are lectured not only at humanist, but also at technical and economics universities, moreover they may be incorporated into the curricula of separate faculties, courses or even independent subjects, it may be advisable to present the most studied issues in the EU Law Studies separately for each of the case.

**Curriculum at the University Faculties of Law**

The law curriculum is intended to lecture subjects connected with the functioning of the European Union, its legislation and institutions. Alongside a lot of attention is paid to the activities of Poland within its structure. Comparing the curricula of dominant humanist academic units and their Faculties of Law, the consistency in promoting matters concerning the EU is well noticable.

The canon of required subjects includes:
- The European Union Law
- The European Union Government an Politics
- The European Union Business Law
- The European Union Substantive Law
- The European Institutions (the University of Silesia in Katowice) or the European Union Institutional Law (Nicolaus Copernicus University of Toruń).

Nonetheless, additional lectures, which concentrate on the EU law and aiming at broadening knowledge about the EU, are offered by particular Departments as well. Thus, to set an example, the Jagiellonian University in Cracow proposes Applying the EU Law by Polish Courts and Administration Authorities, Legal Professions in the EU, Public Orders in Polish and the EU Law. At the Faculty of Law and Administration of the University of Warsaw, within the specialization of the European Integration there is a possibility of attending optional subjects, such as The European Standards of Good Administration and Administration Law, the EU Labour Law, the EU Environmental Protection Law and the EU Competition and Antitrust Law. The University of Silesia in Katowice, which as a matter of fact is devoid of an independent European Studies course, has extended the sphere of legal interest on the EU Regional Policy and International Environmental Protection Law.

It is also important to pay attention to the fact, that the European Union problems are usually discussed at the International Public Law or while conducting comparative research and analysis at the lectures on the Constitutional Law. Relatively often this becomes a focus of
interest while delving into the organization of international institutions or the human rights protection systems.

**European Studies as a Separate Study Course**

When the European Studies courses appeared Polish Ministry of Science and Higher Education prepared a vague outline of their educational standards at the levels of the Bachelor’s and Master’s Degrees in the way to provide graduates with both interdisciplinary knowledge and the ability of making good and practical use of it. Thus for that reason the division of compulsory and optional subjects was introduced. Those obligatory provide for the educational content within the scope of:

- European Societies and Cultures, which teaches indispensable ability to use sociological and anthropological terms, familiarize students with basics of common European culture, its current diversification and social aspects of integration;
- Economics, which enables to understand general tendencies and mechanisms in economy and the importance of the European common market;
- Science on Politics, which demonstrates the possible application of political theories in practical activity, as well as in research, analysis and synthesis, not to mention comparing political phenomena and processes;
- European Law, which aims at proving the significance of proper European law interpretation and shows its relation to the national law;
- European Civilization, which enables to look at and compare European culture from the broaden perspective of world achievements;
- Cultural Identity in Europe, which elaborates on the issue of common European identity against the background of democratic civil society and models of its creation;
- Democracy in Europe, which presents the adequate comprehension of the term “democracy”, the impact of integration on the development of democratic mechanisms in Europe and examples of its functioning in selected countries;
- European Union Foreign and Security Policy, which analyses historical and integration processes resulted in cooperation within the political and defense sphere;
- European Union Administration, Internal Affairs and Justice, which demonstrates potential objectives ahead of the state and self-government administration, while

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5 Presently the standards are not formally in force any more, but their influence and implementing effect can still be seen in most curricula of the European Studies courses.
implementing the European law and policies, as well as the process of formulating and national coordination of the Union policies;

- Public Finances in the European Union, which teaches to understand functioning and harmonisation of the Member States’ public finances and improves the skills of gaining structural funds;

- Polish Foreign Affairs, which familiarizes and analyses contemporary Polish foreign affairs policy and its relations with other countries and international organizations, particularly in the context of the European integration and cooperation within subregional initiatives in the Central and Eastern Europe.

Curricula at Other Classical University Faculties, as well as at Economic and Technical Universities

Polish system of education gives an opportunity to study the EU Law at Technical Universities: at the Departments of the European Studies at the University of Economics in Cracow, the University of Economics in Poznan and the Warsaw School of Economics, as well as at the Faculty of Management and Marketing at the Technical University of Rzeszow – in the European Studies specialization. It is a foregone conclusion, that the specifics of each of the universities may be observed in their curricula. Apart from the issues concerning merely European law, many subjects concentrate on economics and management: Microeconomics, Macroeconomics, Economic Integration in Europe, Regional Policy in the EU, European Union Programmes and Funds, the EU Financing Sources and European Labour Market. Generally, the above mentioned subjects are the focus of interest at the economics and technical universities.

This diversification of subjects and lectures within the EU Legal Studies is the most convincing argument in favour of existing an urgent social and market need for graduates, equipped with this particular knowledge and abilities. The scope of specialization of the particular course, faculty or at last academic unit implies importance of some problems to be specially emphasized and appreciated within the whole course of study.

4. Specific Issues of the EU Law Development

In spite of the existing general frames of education for the EU law studies, the individual departments introduce modifications into the program, mostly dictated by the specifics of a region or demand of a job market for the graduates possessing concrete specialist
knowledge. The graduates of the European Studies specialty are mainly taken into account as specialists in matters of the European Union and thus they become potential candidates for important administrative, political, economic and other positions.

Hence, for example, the program of the European Studies (specialty in the field of International Relations) at the University of Economics in Cracow is in its nature interdisciplinary and takes up different topics. Apart from economic subjects, there are lectures on Law, Politics, Sociology, History and Culture. In comparison with the educational offer of the Faculties of Law and independent courses of the European Studies, subjects of a typical economic character stand out: Uniform European Market, European Economy Compared to Global Determinants or International Financial and Monetary Relations.

However, humanist universities proposing the European Studies, except compulsory subjects introduced into their program of studies such ones which could diversify their teaching offer, depending on the strategy of development of a given region and the direction of students’ aspirations to enter the European job market. Thus it is not a surprise, that at the Faculty of Law and Administration of the University of Rzeszow in the European Studies course there are lectured the subjects closely connected with the strategic situation of the region of Subcarpathia, which now outlines the boundaries of the whole European Union. In the program of studies there are also included subjects referring to the specifics of regional geopolitical situation: Customs Law of the EU, Migration in Europe, the EU Citizenship vs. National Citizenship and Regional Policy, Instruments of Supporting the Regional Development of the Member States.

Moreover, making an effort to meet the needs of the market, which demands the ability of managing and acquiring of structural funds, there have been introduced classes in Project Management, Basics of Organization and Management, as well as Management in the Structures of Public Life.

Relatively much attention is paid to the issues of the position of Europe in international relations and implementing of the EU law and its consequence for domestic law.

5. European Law (Studies) vs. Regionalism of the National Legal System in Accordance with the EU Law

The mutual historical experiences, a consensus of objectives in foreign policy and integration aspiration with the EU and transatlantic structures became the foundations of future cooperation in the region of Central Eastern Europe. At the beginning of 1990-s the so-called Visegrad Group was created (V4), which at the beginning had in its circle three states and later,
after division of Czechoslovakia in 1993, four neighbouring countries: The Czech Republic, Slovakia, Hungary and Poland.

During the meeting on 5 October 1991 they decided to include additionally, besides foreign policy, also the sphere of economy, environmental protection, transport and science. The so-called Cracow Declaration was signed (6 October 1991), which mentioned a fast conclusion of agreements for mutual liberalization of commerce. As a result of these activities, on 1 March 1993 there was created the Central European Agreement for free trading (CEFTA – Central European Free Trade Agreement), also under the pressure of the European Union, not wanting to allow mutual discrimination of goods from the countries of the agreement, which simultaneously declared their accession to the EU. The assumptions of the agreement mainly concentrated on the economic development, which was to be achieved through abolishing of customs in trade between the Member States. At present, after joining of Bulgaria, Slovenia and Romania the area of CEFTA stretches out from the Baltic to the Black Sea and the Adriatic.

Unfortunately in the case of the Visegrad Group one may not talk of coherence of the legal systems or the existence of the developed institutional structures. Hence the coordination of activities, undertaken within the Visegrad cooperation, takes place on the level of the Foreign Affairs Ministers of the Member States and the only institution is the Secretariat of the Visegrad International Fund with its seat in Bratislava, which carries out a series of joint projects. Thanks to its functioning it is possible to finance undertakings in the field of education, culture and youth exchange. The Visegrad cooperation has a bigger interest on the part of the societies of the partnership states.

There is no doubt that the development of regional cooperation has contributed to the introduction of issues from the borderline between comparative law and aspects of the law of the affiliated countries at the Faculties of Law and European Studies. Particularly the universities located in the borderland show tendencies to introduce classes aiming at extending comparative law studies. The example may be the Faculty of Law and Administration at the University of Rzeszow, where three academic teachers from Slovakia are employed permanently, who lecture on the elements of Slovak law and conduct classes in the subject of Public Administration in the Central and Eastern Europe. Moreover, in the list of basic education subjects, which still constitute a hard core of the European Studies, there are included the classes in the scope of the EU law and integration processes. They have an important position at the University of Warsaw.

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6 To delve into the issue see: P. Deszczynski, M. Szczepaniak, Grupa Wyszehradzka. Współpraca polityczna i gospodarcza, Toruń 1995, passim.
and the Jagiellonian University in Cracow in the field of international relations, in which the European Integration specialization is conducted.

In the context of the Polish regional cooperation in the last few years (2007-2013) one should mention the Programs of European Borderland Cooperation with the countries belonging to the EU structures and the European Instrument of Neighbourhood and Partnership concerning the partners outside the EU, which focused on acquiring of the EU funds for specific projects and were then carried out by foreign partners. For the correct preparation of applications there were highly valued, properly prepared, qualified students of the European Studies, who knew the opportunities and procedures of acquiring structural funds. The knowledge of the European regulations and their practical use are also significant. Many universities responded for this market demand with their offers, among others the University of Rzeszow, the University of Economics in Poznań and the University of Szczecin, which educate their students in the scope of European projects management or writing and settling of European applications.

6. The EU Law and the Role of the National Parliament and the Constitutional Court

The principle of transferring competences of Poland to the European Union were defined in Article 90 of the Constitution of the Republic of Poland of 2 April 1997, which regulates delegating powers to the EU in the form of international agreements. The high degree of formalism of the regulation constitutes guarantees of the state sovereignty and remains in conformity with the fundamental constitutional principles, at the same time referring to the constitutional regulations of the strongest European countries.

In accordance with different estimates, about 60 to 70 per cent of the law binding in Poland is a result of direct and indirect use of the EU law. In this context the most important function assigned to the Polish Parliament seems to be the so-called “implementing function”, which means issuing legal acts constituting only execution of European acts, which are not subject to direct use. This way the freedom of the domestic legislator in forming the content of the established norms has become limited by the Union law.

Unfortunately, in the Polish Constitution the issue of conducting current integration process has not been regulated directly. Therefore, there is lack of rules, according to which the position of the Republic of Poland in the matters decided by the EU authorities should be adopted. On the basis of the regulations of the so-called Cooperation Act from 11th March 2004 on cooperation of the Council of Ministers with the Sejm and Senate in the matters connected with

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the membership of the Republic of Poland in the European Union (the Journal of Laws No. 52 from 2004, item 515), changed later by the judgment of the Constitutional Court from 2005, the Government is entitled to voting for accepting the EU law even without consent or knowledge of the Parliament. Therefore a conclusion that never, up to the present, the role of the Polish Parliament has been so limited, seems to be correct. The mentioned Act defines the obligations of the Council of Ministers and the Parliament, which concern informing about the participation of the Republic of Poland in the EU activities, cooperation in the scope of the EU legislature, creating Polish law executing the EU law, as well as expressing opinions about the candidates for certain positions in the EU. One of the basic duties of the Council of Ministers is informing the Parliament, at least every 6 months, of the participation of Poland in the EU activities. The Parliament is also entitled to a significant controlling function, as it can make the mentioned information the subject of a discussion during the session.

The basic significance for defining the competences of the Constitutional Court are found in articles 188, 198 and 131 par. 1 of the basic law. On account of the subject matter one should pay special attention to the function of deciding in the matters of constitutionality and legality of normative acts in two potential controlling situations: compatibility of acts of law and international agreements with the Constitution. Ratified international agreements have been included in the catalogue of sources of the commonly binding law and they have a higher rank than acts. From here comes the next power of the Constitutional Court – to verify the compatibility of acts with ratified international agreements, the ratification of which would require an earlier consent expressed in the act (Article 188 par. 2 of the Constitution). To this category there should be also included the agreements ratified with a consent expressed through a national referendum, the clear example of which was the accession referendum in the matters of Poland’s joining the European Union, conducted on 7-8 June 2003.

Summing up, one should stress the fact that Poland effectively transports the EU law to the ground of domestic law.

7. The Main Academic Schools and Institutions

Most of the Polish Universities offer an opportunity of taking up the European Studies at their Faculties of Law. They are also lectured relatively frequently at the Faculties of Political Sciences or as a specialty at the International Relations courses (e.g. at the Adam Mickiewicz University of Poznań). It should be stressed that almost every Polish humanity university established an independent course of the European Studies.

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If we consider the number of students applying for one place in the field of the European Studies as a measure of rank of an academic unit, in the last few years in the lead placed themselves: the University of Białystok, the Catholic University of John Paul II in Lublin, the University of Economics in Cracow, the University of Łódź, the Jagiellonian University in Cracow. Among other important universities there should be mentioned the following: the Adam Mickiewicz University of Poznań, the University of Rzeszów, the University of Silesia in Katowice, the University of Gdansk, the Nicolaus Copernicus University of Toruń, the University of Warsaw.

One of the most important and the longest existing academic institution, which promotes the EU issues, objectives and assumptions of integration with the European Union is the European Centre at the University of Warsaw, founded in 1991. Many publications concerning the integration of Poland with the EU and harmonization of law appear under its imprint. Registered on 10th of September 1993 the Natolin European Centre Foundation also aims at conducting scientific and educational activity, mainly comprehended as organization and development of the European Studies and propagating the knowledge on the European integration. In addition, it tries to cooperate with foreign organizations, educating staff to improve the integration process in Europe and creating the conditions for their development in Poland. Around the Centre there is a circle of lecturers and scientists, for whom the idea of the European integration remains an important issue.

8. The Most Influential Journals and Books Published in Poland

Among the most significant and opinion-forming periodicals and publications in Poland one should indicate:

Monographs


Periodicals/Journals:

“Studia Europejskie”
It is published quarterly by the European Centre of the University of Warsaw. The journal aims at propagating the knowledge and information concerning the assumptions, course and results of the European integration processes and particularly Poland’s participation in them. The journal is also published in the English version.

“Państwo i Prawo”
The monthly of the Committee of Law Sciences of the Polish Academy of Sciences, now the only journal in Poland which encompass all fields of law. It raises the most important and current theoretical and practical legal problems.

„Problemy Współczesnego Prawa Międzynarodowego, Europejskiego i Porównawczego”
The journal has been published since 2003 by the Institute of European Studies of the Jagiellonian University in Cracow, which raises the issues connected with the International Law, European law and propagating the ideas of law comparative studies as a research method.

“Przegląd Sejmowy”
Founded by the decision of the Head of the Sejm’s Office of 22nd December 1992 and has been published since 1993, at first – as a quarterly, since 1996 – as bimonthly. It contains texts, the issues of which concentrate mainly on constitutional law with a special focus on parliamentary law.

“Studia Prawnicze”
A prestigious quarterly scientific journal published by the Institute of Law Science of the Polish Academy of Sciences, distinguishing itself by detailed theoretical analysis of the raised juridical issues and presentation of the legal doctrine and judicial decisions.
„Studia Prawa Prywatnego”
A prestigious quarterly scientific journal, closely connected with the series of books “System Prawa Prywatnego”, published in cooperation with the Institute of Law Science of the Polish Academy of Sciences. Particular numbers discuss problems of Civil Law, Family Law, Company Law, Competition Law, Private International Law, etc.

„Prawo i podatki Unii Europejskiej”
A monthly journal devoted to harmonization of the Polish law with the EU law.

„Wspólnoty Europejskie”
The oldest bimonthly Polish periodical, having existed on the market since 1991, entirely devoted to the issue of the European integration.

„Monitor Europejski”
A periodic of the European Integration Committee Office, publishing the most important documents and materials of the central administration authorities, translations of the EU documents, proposals of the legal acts and other publications connected with the EU.

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