

# Maciej Borski

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## Introduction

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Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej [bazhum.muzhp.pl](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

## INTRODUCTION

The second issue of the *Annals* No. 17, which is in your hands just like the first one, appears entirely in English. I hope that the goal that the Editors set up to increase the internationalization of the journal has been achieved at least in part. I am convinced that thanks to this, the influence and recognition of the *Annals of Administration and Law* will be even greater, because in science of the 21<sup>st</sup> century well-thought, real internationalization of the journal and more broadly science (which is not easy in legal science) becomes a prerequisite for success – a constantly growing number of citations, which in turn determines the place in the ranking of scientific journals. As the editor-in-chief of the *Annals* I am very glad that thanks to the support of the Ministry of Science and Higher Education we succeeded in publishing two more issues entirely in English. Apart from the obvious benefits resulting from the increase in the scope of impact of the *Annals*, certainly such publications will strengthen our position on the market of scientific journals and will significantly increase the chances of obtaining additional points during the next parameterization of the Ministry of Science and Higher Education. The ministerial questionnaire, which the Editorial Board will complete, contains a lot of questions about publications in foreign languages. The points are allocated for everything. Therefore, as Editors we must come across such solutions. On the other hand, it seems necessary to maintain a certain balance. Especially in legal sciences very specific institutions within the given legal system are very often analyzed. Thus, Polish scientists very often present issues that are not of interest to scientists from other countries. Therefore, in the following issues the articles will be published not only in English. Perhaps in the future, the Editors will be able to publish such an issue but no faster than in two or three years. It is worth noting here that the language of the abstracts of particular articles is strictly defined by our publishing standards. If the article is published entirely in Polish then the abstract and key words are always published in English. On the other hand, in the case of publishing an article in a foreign language in the *Annals of Administration and Law* the abstract and key words always appear, irrespective of the language of publication, in English and additionally in Polish. It seems to be the most logical and reasonable solution.

The second issue of the *Annals* of 2017 is as always very rich in content, although this time it covers only four thematic sections: articles, reports, reviews and a chronicle. This makes it possible to find not only articles with a very broad spectrum of topics, but also reports from conferences and other scientific events, as well as reviews of book publications and a synthetic overview of the achievements of employees of the Institute of Administration and Law of the *Humanitas University* in Sosnowiec in 2017.

Traditionally, articles dominate in the *Annals*. This time, articles in the field of public international law and European Union law are exceptionally represented in large numbers. They are divided into two parts entitled: Institutionalization of cooperation in the transatlantic space and legal and economic aspects of the functioning of the European Union.

In the first part, it is worth paying attention to an article devoted to American-Asian relations in the era of the administration of US President Donald Trump. This text is a very interesting attempt to analyze the consequences of the announcement of a fundamental change in US foreign policy after taking office of the 45th President of the USA by Donald Trump on 20 January 2017. The authors gave an answer to the question about the political strategy of President Trump and whether he will implement it and how the allies will respond to it. Considerations of institutional and functional nature were put by the authors in the economic reality while analyzing economic indicators of the USA and selected countries of the Pacific region and China (declaring the will to replace the USA in the region and in the world). They also positively verified the thesis that the way of conducting US foreign policy will not affect the density of real US relations with their allies in the transpacific space. In their opinion, what will change in the short and medium term will be the increase in the costs of conducting foreign policy by the US. On the other hand, the broader dimension the American alliance with the countries of East Asia and South-East Asia will survive the turbulence in US policy because despite its position, China is not a competitive partner able to replace the US.

The next part devoted to the legal and economic aspects of the functioning of the European Union brings a lot of interesting publications. One of them is a study devoted to the trade relations of the European Union with the countries of West Africa in the light of the Economic Partnership Agreement (EPA), in which the authors presented the benefits and costs of the Economic Partnership Agreements (EPAs) and the implementation of the trade liberalization principles they envisage for West African countries in the light of their trade relations with the countries of the European Union. The analysis conducted by the authors did not give unambiguous results, but the ones that received indicate that the answer to the question ‘will it be more advantageous for the countries of West Africa to be with or without EPA?’ depends on the economic situation (status) of the given country. As for Least Developed Countries, the option ‘without EPA’ seems to be the most favorable, while non-LDC would benefit from implementing this agreement. Worth noting is also the text in which the author attempted to determine the position of the European Union in a new global system of research and development activity (R&D), in which dynamically developing East Asia became the leader. The main research problem of the study is, as the author points out, a comparative analysis of the European Union R&D potential against the Asian and US centers, in order to identify problem issues in the EU R&D. This analysis led the author to conclude that there is a steady progress in building

the potential of European Union R&D, which is the third largest center of global R&D. However, against the background of East Asia and the United States, the pace of changes in EU R&D is far too low, and consequently the EU distance is increasing, especially to the Asian center, but also to the USA. This means that it is necessary not only to significantly accelerate R&D in the European Union, but also to appropriately direct this process, primarily towards the activation of the business sphere.

As usual, the Annuals present texts devoted to broadly understood issues of public law. The text in which the author analyzes the solutions adopted in the anti-terrorist law passed by the parliament in June 2016 and indicates the regulations that raise the most doubts is worth paying attention. In her very interesting study the author points out that the issue of terrorist threats, which is one of the most serious threats to national security, is a matter of concern for many state bodies and institutions, and the effectiveness in combating terrorism depends to a large extent on the coordination of their activities. At the same time the author emphasizes that increasing the competence of state authorities in this area cannot lead to disproportionate restrictions on the exercise of freedoms and rights by citizens. The article devoted to the effects of the involvement of self-government employees in the local election campaign is also worth noting. As the author of this elaboration rightly points out many self-government employees are involved in the election campaign, often violating the principles of ethics, human integrity, and even the applicable law. Therefore, the author after a short presentation of various types of behavior of self-government employees that can be dealt with in the fight for local authority and the indication of the provisions to be infringed upon by certain behavior, analyzed the possible consequences of such a breach.

In the current issue of the Annuals, private law issues could not be missing. It is represented by a very current and extremely interesting cognitive article devoted to the issue of the right to strike in the health service. The author presents in it a specific situation of the right to strike for health care workers. The law on the resolution of collective disputes prohibits the right to strike because of the need to protect human life. In the absence of this threat, this law limits the power to strike for doctors, nurses and medical personnel although ILO and Council of Europe collective labor standards ensure that medical personnel have the right to defend their economic interests.

In order to adapt Polish law to international standards, the author presents the original concept of virtual strike, which is not subject to legal restrictions. According to this concept, the decision to strike would not result in the striking medical staff ceasing to perform work and would not be associated with the loss of the right to remuneration for ongoing work.

On behalf of the Editorial Board, I would like to thank the reviewers: prof. dr hab. Joanna Nowakowska-Małusecka (University of Silesia), prof. dr hab. Wojciech Staszewski (Catholic University of Lublin), prof. dr hab. Piotr Ruczkowski (Jan

Kochanowski University in Kielce), prof. dr hab. Leszek Mitrus (Jagiellonian University), prof. dr hab. Krzysztof Stefański (University of Lodz), prof. dr hab. Henryk Cwięk (Jan Długosz Academy in Częstochowa), prof. dr hab. Robert Socha (University of Dąbrowa Górnicza) for undertaking the effort of review and for detailed and favorable substantive comments contained in reviews, which significantly affected the substantive content of the Annuals presented.

I would also like to express my conviction that this publication will be welcomed by various groups of readers interested in presented problems and will allow everyone to see how diverse and complex the legal-administrative issues are.

*Maciej Borski*