

## Przegląd Zachodni No 1,2020

**Katarzyna Chrostowska-Malak**

**Keywords:** GDPR, human rights, European integration, the right to privacy, privacy protection, protection of personal data.

The provisions of the GDPR in force as of 25.05.2018 form the basis for the creation of a new system for the protection of personal data (protection of the right to privacy) at the EU level, its member states and in individual entities subject to them. Although the Regulation requires compliance to clearly defined rules, it gives the entities to which it applies the possibility to introduce various organizational solutions and means of protection depending on the nature of the organization, its conditions and needs. We have passed the first stage of implementing the new regulations, characterized by uncertainty and information chaos, sometimes accompanied by the fear of high fines. Now, we are entering a phase of greater certainty of action (legal certainty).

Undoubtedly, there is no judicial interpretation of the provisions of the GDPR. On the other hand, the jurisprudence regarding the right to privacy, guidelines of the so-called Working Group, art. 29, and on a regular basis - the guidelines and explanations of state authorities responsible for the implementation of the new EU law prove very helpful. The experience gained, not only in the form of good examples, but also the conclusions drawn from bad practices, referred to as "GDPR absurdities", is becoming more and more valuable.

These situations have made us realize how dangerous it can be to misinterpret law when such an interpretation is done in isolation from the essence of the law. The protection of personal data, although subject to an independent legal regime, is not only a value in itself. It is to serve first and foremost the individual and the social welfare and, consequently, the proper functioning of public and private sector entities to which the provisions of the GDPR apply.

The purpose of this article will be to present the basis of the privacy protection system in the light of the GDPR, and - taking into account less than one year of the functioning of the GDPR - an attempt to formulate proposals that at the current stage seem to be of crucial importance for the process of further development of the personal data protection system,.

**Katarzyna Cymbranowicz**

**Keywords:** border, migration crisis, Schengen Area, European Union

In the history of the European Union (EU) the first decades of the 21st century were an exceptional time. One of the greatest successes of subsequent generations, which set the tone and direction of the Community policy, and later the EU, was the creation of a single internal market in the EU territory until the end of 1992, with four economic freedoms. In this context, it is impossible not to mention the successful implementation of the EU project 'Europe without borders', of which the so-called Schengen zone is a vivid reflection.

The purpose of this article is to try to answer the question concerning the present and the future of this project. Therefore, the analysis and assessment will be made of the functioning of the Schengen area before and after the migration crisis that erupted in Europe, and then the possible scenarios of its development will be discussed.

This seems justified due to the fact that today we still anxiously observe how the 2015+ migration crisis is changing the EU, causing waves of doubt about the ideas and values that guided the founding fathers of the European Communities from the beginning and later accompanied other leading European politicians on the road to achieve full integration within the EU.

**Tomasz Czapiewski**

**Keywords:** United Kingdom Independence Party, *UKIP*, Euroscepticism, Brexit, populism, immigration

The aim of the study is to analyse the programme of the United Kingdom Independence Party (*UKIP*), which created the Eurosceptic discourse in the UK in the 21st century. The main hypothesis of the study is that the party's programme was based on three key foundations, not just Euroscepticism. The essential timeframe for the research was set for the period 2006-2016, although references to the earlier and later period of the party's activity are occasionally included. The basis for the research was the examination of manifestos and other party documents, but also broadly understood activities of politicians, including statements of party leaders, taking into account their functions in gaining voters' support.

It was concluded that the party's programme appeal was based on Euroscepticism, hostility to immigration and populist anti-elitism.

The analysis was complemented by an indication of the special role of the European

Parliament, avoidance of accusations of racism and a populist approach to security issues. It also presents an assessment of the position of *UKIP* in 2016-2019 as a return to the status of a marginal party whose further existence is unsure.

**Małgorzata Czermińska, Joanna Garlińska-Bielawska, Marta Ulbrych**

**Keywords:** Africa, customs union, the European Union, Turkey

Following the assumptions of the new model of foreign policy, the Turkish government is developing political and economic relations with regions that have not been the main focus of this country's interest so far. Turkey, like other large economies, is deepening the scope of its engagement in Africa thanks to the gradual political stabilization and economic development of the countries of this continent. The revival of bilateral relations is based on a number of political initiatives that have been taken over the last two decades. The aim of the article is to present the results of the analysis of conditions shaping Turkey-Africa relations in the context of the European Union (EU)-Turkey Customs Union. The following research hypotheses were adopted in the study:

- Turkey's opening to Africa in the 21st century is the result of changes in Turkey's foreign policy aimed at gaining a stronger global position.
- Difficulties in the functioning of the customs union have contributed to the weakening of Turkey's relations with the EU and the increase of Turkish interest in Africa.

Empirical (indirect observation and description) and general methods, including deduction and induction, were used to achieve the aim of the study. Research techniques such as cause-and-effect, comparative, documentary, historical, and synthesis were of great importance.

**Renata Duda, Renata Kunert-Milcarz**

**Keywords:** European Union, Ukraine, United States, eastern neighborhood, economic and financial assistance, military support.

The research goal of the presented article is to analyze the support provided by the European Union and the United States for the reform process in Ukraine and to evaluate the effectiveness of this assistance. We assume that the European Union acts as a system of

"connected vessels" and actively supports its own close neighbourhood promoting democratization of its structures and ensuring economic and military security. The time frame of the article covers the period after the Revolution of Dignity in Ukraine, in Kiev Maidan (2013-2014), which led to the overthrow of the then President Viktor Yanukovich and confirmed the European aspirations of Ukraine. The annexation of Crimea and the destabilizing actions taken by the Russian Federation (FR) in Eastern Ukraine (2014) also formed an important turning point, especially with regard to the assistance package provided by the US. This event directly resulted in a significant increase in the scope and amount of support. The final date of the analyzed events is 2019 and the presidential election in Ukraine (held in two rounds on 31.03.2019 and 21.04.2019, respectively), which brought victory to Volodymyr Zelenski. Although this choice meant the consolidation of Ukraine's pro-European course, the lack of explicit EU's statement about the prospects of Ukraine's membership means that in the future this option should not be taken for granted.

Due to the character of the research material, the methods used in the article are mainly based on a critical literature review (especially scientific articles) and secondary data analysis (desk research). In the part of the article relating to American military assistance, the basic research material is analysis created in Polish and American think tanks.

Due to the time frame (2014-2019) and topicality of the subject, relatively little research material was obtained from literature of the subject, which, however, was a valuable source for the introductory part of the article.

**Agnieszka Filipiak, Rafał Wiśniewski**

**Keywords:** disinformation, digital media, information security, civic education

In the past several years, trends in both international security and media environments have led to successful securitization of news media. Amid growing debate about “fake news”, disinformation campaigns and hybrid warfare, news came to be viewed as a weapon of contemporary international conflict. Based on Adam Mickiewicz University’s experience of participation in a global education and research program “News Literacy” (devised at Stony Brook University, New York, USA) the authors would like to propose the concept of *news security*. It is a relatively new sector of security related to the public’s protection from deliberate disinformation and the manipulation of news.

This relatively new and promising area of research is strongly connected to the broader concepts of human security and cybersecurity. Access to reliable and truthful information can be viewed as a human right and a precondition for stable and healthy functioning of democratic societies. At the same time, current threats to news security are highly conditioned by technology revolution in media (driven by digitalization and network effects).

The article aims to present the concept of news security and its constituting features as another approach to study and practice of both human security and cybersecurity. It also includes insights and experiences derived from the authors' participation in the "News Literacy" project, focused on critical media education for a better-informed public.

Analysis presented in the article focuses on identifying key drivers and characteristics of news' securitization taking place globally. The authors examine the statistical data on digitalization and media consumption patterns, as well as analyze a case study of disinformation. A typology of strategies employed by different states to ensure news security is presented and comments on their effectiveness are made.

**Ewa Kamarad**

**Keywords:** mutual trust, mutual recognition, Area of Freedom, Security and Justice

The purpose of the article is to discuss the importance of mutual trust between EU Member States, which is key to the process of European integration. Without mutual trust it would be impossible to create an Area of Freedom, Security and Justice (AFSJ), which in this aspect applies to both the legal systems and the justice systems of the Member States. Mutual trust allows to assume that the legal system of each Member State guarantees the same level of protection of individuals and that law enforcement bodies carry out their tasks equally effectively. However, the level of mutual trust is not constant - one can observe its slow and systematic growth, but its level may as well decrease, which has recently occurred in the case of relations between Poland and other Member States.

This condition has an adverse effect on the functioning of the AFSJ and causes the occurrence of many practical problems, which are presented in the article. The legal order was determined based on the formal-dogmatic method and presented using the descriptive method.

The case study method was used when presenting CJEU rulings.

**Andżelika Kuźnar, Jerzy Menkes**

**Keywords:** power of a state, balance of power, power, integration, the Élysée Treaty, the new Élysée Treaty, Brexit

The aim of the study is to analyze the effects of the new Élysée Treaty in correlation with Brexit. We formulate the thesis that Brexit in conjunction with the new Élysée Treaty sets out a new formula for institutional European integration – the construction of a unipolar system with France-Germany as a pole.

The research is interdisciplinary – economic and legal.

The results of the study allow to recognize that 1) deepened German-French cooperation creates a new actor in regional and global relations; 2) the Treaty based (French-German) duumvirate changes the EU system; 3) Brexit has destroyed the balance of power in the EU, as well as deprived the union of the benefits of triangulation of the bloc of the three largest EU Member States.

**Leszek Kwieciński**

**Keywords:** public administration, Europeanization, public management.

The main objective of this article is to present the role of public administration and the factors that shape in the face of challenges posed by the process of Europeanization. The specific goal, however, is the analysis of factors conditioning the fulfilment of the function of public administration in the process of Europeanization in Poland and Germany. The research problem of this article is the analysis of differences in the functioning of public administration in both countries. This sector plays a key role in the effective participation of a country in the processes of Europeanization, as well as determines its internal efficiency.

The article uses research methods specific for social sciences, in particular political sciences. The first of the methods used is comparative studies, which show similarities and differences in the functioning of public administration of both countries in the processes of Europeanization. Using the medium-range system method, attempts were made to define the place of public administration as an element of the functional subsystem of the European policy of a country, and also showed the evolution of changes taking place in this sector. In turn, neo-institutionalism of rational choice and historical neo-institutionalism made it possible to indicate the factors determining the administrative efficiency of the state in the process of

Europeanization. In the study quantitative techniques were mainly used, i.e. the analysis of statistical data from institutions such as the European Commission – E-government Benchmark, Bertelsmann Foundation - Sustainable Governance Indicators, World Bank - Worldwide Governance Indicators, Gallup World Poll. A critical analysis of the literature was also carried out regarding the evolution and role of public administration in the process of Europeanization.

The main research hypothesis is contained in the statement that the efficiency of public administration as an instrument of European state policy is conditioned by institutional and social factors, which require a longer time perspective and properly used legal and institutional instruments for the emergence of positive effects.

### **Magdalena Michalik**

**Keywords:** the principle of mutual trust, mutual trust, mutual recognition and enforcement of judgements, European legal area, European Union

This paper is an analysis of case law of European Court of Justice and political documents concerning the principle of mutual trust. The aim of the author is to characterize the principle of mutual trust in judicial cooperation between Member States and its borders in the European legal area.

The research hypothesis is that the principle of mutual trust, which is the foundation of the European legal area, is a dynamic phenomenon and its functioning within the EU legal framework depends on the will of Member States. In order to achieve the assumed research goals, the following research methods are used in the paper: formal-dogmatic, historical-legal and theoretical-legal. The CJEU jurisprudence and doctrine are analysed.

The analysis is complemented by a case study on restrictions to the functioning of the principle of mutual trust based on selected case law of the Court of Justice of the European Union and materials constituting political programs, communications or recommendations of the European Commission and the European Parliament. The fourth part examines the various mechanisms created by EU and non-EU institutions to control mutual trust in the European legal area.

The conclusion of the analysis states that mutual trust as a non-absolute instrument depends on the sovereign will of the Member States and that the Union institutions and bodies should establish mechanisms to ensure that mutual trust is maintained at an appropriate level.

**Jacek Pera**

**Keywords:** integration, multipolarity, disintegration,

Economic and debt crises, as well as the crisis of migration and identity have exacerbated divisions within the European Union and strengthened disintegration forces among REU Member States. The key dilemma currently faced along the way to EU integration regards the nature and extent of multipolarity trends at the regional level. The aim of this study is an analysis of the risk of disintegration of the European Union in its current form. The research problem is an attempt at answering the question whether the proposed ‘multi-speed Europe’ will contribute to EU’s disintegration or rather to its development in another format<sup>1</sup>. The whole structure of the paper and the analysis performed serve this purpose.

The following research hypothesis has been adopted<sup>2</sup>: implementation of a multi-speed Europe policy will transform the current process of European integration into its opposite and thus cause serious economic and political consequences of the collapse of this form of integration project<sup>3</sup>. The hypothesis has been positively verified. The following research methods were employed in the analysis: historical (the essence and meaning of the disintegration concept in doctrines and the literature), content analysis (research into the solutions adopted), as well as a quantitative and qualitative method (analysis of figures).

The result of the research performed is a description of the risks and threats that will occur if the multi-speed Europe policy is continued and Member States depart from the original integration model.

**Renata Podgórzńska**

**Keywords:** foreign policy, European integration, Western Balkans, international relations

Since the 1990s many formats and initiatives for stability and security of the Western Balkan states have emerged, which include a broad array of support instruments. One of the

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<sup>1</sup> The issue is explained in more detail in Table 1 and the scenarios just under the table.

<sup>2</sup> In the scope of the development scenarios set out in Table 1; however, there should be taken into account some other scenarios which will perhaps be identified in the course of the search for new solutions by the EU Member States involved in the disintegration.

<sup>3</sup> The integration project which has to date been implemented in the EU will transform into an analytic category during disintegration.

formats of cooperation involves the Berlin Process, which increasingly affects the Balkan reality. A number of political factors determined Poland's joining in the mechanism. The aim of the paper is to identify and systemize them as well as analyse the importance of this initiative from the perspective of Polish foreign policy. It has been assumed that after 1989 due to the focusing of Polish diplomacy on the pursuit of strategic interests, the area of Southeast Europe, the discussed Western Balkan states included, was located at the margin of Polish foreign policy. The temporary increase in the activity of Polish diplomacy towards the region did not mean its appreciation from the perspective of Polish foreign policy but resulted only from a search for ways to boost the efficiency of implementation of its guidelines. What is more, modification of emphasis in the foreign policy after Poland's accession to the European Union did not result in a modification of the Western Balkans' position from the perspective of Polish interests.

Taking the above into account a question arises about factors that determined the enhancement of Polish activity towards and for the region, an example of which includes joining in the mechanism of the Berlin Process. At the same time one needs to examine the forms and character of Polish involvement, and primarily to establish what resources and what instruments were supposed to support political declarations about the need to intensify Poland's activity towards the Western Balkans region. The paper's main hypothesis boils down to an observation that Poland, searching for ways to ground its position as a country involved in the development of the situation in the Western Balkans, joined in the initiative of the Berlin Process motivated, on the one hand, by the pursuit of Poland's own interests resulting from the desire to boost its impact on the course of political processes in an international dimension, while on the other, its activity was dictated by the endeavour to intensify the region's interrelations with the European Union. The detailed hypothesis, corresponding to the adopted research assumption, boils down to a statement that Poland has not become a key country in the context of the region's integration with the structures of EU cooperation. Therefore, postulating the EU "open door" policy for years, regardless of its resources and capabilities, Poland became involved in various mechanisms supporting the expansion process.

The main research methods used in the text include an institutional and legal analysis, a critical analysis of documents and the literature of the subject, and the comparative method.

## **Paulina Pospieszna, Clara Portela**

**Keywords:** Sanctions onset, UNSC, democracy promotion, EU, CFSP, nuclear proliferation

The European Union (EU) may impose sanctions in the absence of a mandate by the United Nations Security Council (UNSC), or after the UNSC has agreed its own measures. This creates a situation in which the UN and the EU enact sanctions in parallel. One of the issues that research on sanctions has not yet ascertained is their relation to UNSC sanctions. What impact does the imposition of UN sanctions have on the behavior of the EU as a sender of sanctions? In the present paper, we seek to address this gap by exploring the impact of UN sanctions on EU sanctions enactment.

To this aim, we develop assumptions that relate the likelihood of the EU enacting measures in the absence or in the presence of UN sanctions to the nature of the objectives followed. Equally, we relate EU behavior in the easing, escalation and termination of its sanctions to the concurrent presence or absence of UN measures.

We test our hypotheses on a new data set on economic sanctions for the period 1989-2015 (EUSANCT) which integrates and updates existing sanctions data sets, thanks to which we obtain fresh results.

## **Anna Potyrala**

**Keywords:** European Union, asylum policy, reforms, national interests

Since 2016 within the European Union proposals to reform the common European asylum system have been presented. The migration pressure of 2015 showed that previous provisions had not allowed for a quick and effective response that would meet humanitarian and security challenges. Legal arrangements adopted as a reaction to the migration crisis were of a temporary character and were regarded as controversial by some member states. Therefore, a total remodeling of the common asylum system has been recognized as necessary.

The aim of this paper is to prove that despite the fact that the member states acknowledge the validity of the reform of a common asylum policy, prolonged proceedings are caused not by the need to comprehensively protect persons forced to flee and seek protection in third countries, but by the pursuit of protection of interests defined as national interests.

Analyses will be conducted on the basis of neorealism, which recognizes states as dominant actors in international relations, who aim to realize their own interests and regard cooperation as reasonable only when it is helpful to achieve these. The fiasco of reforms proves

that cooperation within the European Union is treated instrumentally and particular, not common interests are priorities.

**Natalia Szulc, Adam Szymaniak**

**Keywords:** migration policy, migration law, Italy, securitization, refugee

**Background.** The intensification of migratory flows has opened up a discussion on the values on which the European Union is based. Securitization of migration in Italy has influenced changes in migration law and political discourse.

**Aim.** The main aim of the article was to determine the impact of legislation and policies on migration and migrants in Italy.

**Method.** We conducted a review of the narrative literature from the studied area. In our work we used the methodology of political sciences. We have subjected normative acts to in-depth analysis. In addition, we used the results of statistical research.

**Results.** There is a strong link between the securitization of Italian migration and asylum law and the situation of migrants and refugees in Italy. The architecture of Italian migration law reflects the politicisation of the problem. Securitization has enabled extraordinary legal measures to be taken in the name of security. Italian migration policy and law from 2017-2019 has negatively affected the quality of life and the integration of migrants.

**Additional information.** The results provide a starting point for broader research into other European migration systems and policies. The results of an in-depth comparative analysis and the use of countries' experiences may be a starting point for redefining the Polish migration law and policy on migration and migrants.

**Izabela Wróbel**

**Keywords:** EU law, participatory democracy in the EU, European Citizens' Initiative, Regulation (EU) 211/2011, Regulation (EU) 2019/788

The European Citizens' Initiative as an element of participatory democracy in the EU has been in force for ten years, but the Treaty provisions establishing it required the adoption of a secondary legislation - Regulation (EU) 211/2011 and Regulation (EU) 2019/788, which replaced it. Therefore, the history of using this new instrument of civic participation at a

supranational level is shorter. The subject of the article is an attempt to describe and assess the qualitative dimension of the new EU law institution, understood as an instrument for the participation of EU citizens in the supranational legislative process, on the example of the first four „successful initiatives”. Unlike the European Commission, however, a successful initiative is defined as an initiative that has led to a normative change in the EU legal order.

The purpose of the article is to determine the scope of the actual participation of EU citizens in law-making at supranational level, carried out by means of a citizens’ initiative, and then to relate the obtained result to dogmatic approaches to the right to a citizens’ initiative and thus to determine the quality and significance of legal solutions in force at the first stage of implementing the Lisbon reform (from 1/12/2009 to 31/12/2019). That is why two research methods were used – the dogmatic legal method and the sociological method, the latter being understood as the analysis of factors influencing the content of created legal norms and the effects of binding norms. In the course of the conducted research, the hypothesis was verified that the new EU law institution in the first stage of its application did not provide EU citizens with influence on the content of legal norms adopted at the supranational level to a significantly different extent from the state before its introduction, and therefore did not fulfill its role in this respect in the EU legal order.

**Andrzej Stępniaak, Joanna Stefaniak, Maciej Zieliński**

**Keywords:** European Union, global partnership, world powers, economic position, military potential

The European Union wants to play an important role in the world in the face of changes underway on the international scene. The aim of the article is to try to define the EU's position on the international stage compared to the countries of greatest global importance. The research problem is therefore the assessment of the EU's importance and position as a global partner in relation to the current world powers in the context of territorial, socio-economic and military criteria. The authors of the article put forward the thesis that the current power structure in the world and the challenges it involves position the European Union as a major global partner.

The main method used in the article is analysis of the literature of the subject, supplemented by review of the available state of knowledge and research. The use of these methods allowed to distinguish a set of criteria necessary for the assessment of the EU's global

position. In addition, the authors use comparative analysis, collating the collected data, which made it possible to present the EU against the background of countries with a well-established global position in each of these criteria.

According to the authors, it can be concluded that, taking into account socio-economic criteria, the EU's position in the world is very strong in these areas and supplies grounds for the perception of the EU as a global partner. However, other criteria, such as the functioning of the overarching power, the ability to pursue a coherent foreign policy and the capacity to defend borders remain areas that require a much greater integration commitment in order for the EU to be called a real global partner.

**Sylwia Zawadzka**

**Keywords:** Eastern Dimension, European Union, Eastern Partnership, European Neighbourhood Policy, Deep and Comprehensive Free Trade Areas

The Eastern Partnership inaugurated in 2009, is the foundation of the Eastern dimension of the European Neighborhood Policy. Six Eastern European and Southern Caucasus countries have been included in this program and have become strategic partners for the EU after a decade of cooperation. Nevertheless, the attitude of individual Member States towards developing Eastern policy varies. This is determined by a different degree of involvement in ENP projects and by prioritizing specific dimensions. The article presents the position of Germany and France towards the establishment and vision of the development of the Eastern Partnership after a decade of its functioning.

The aim of the article is to clarify the priorities that these countries follow in their vision of developing EU Eastern policy and to what extent these priorities can be considered as political constraints for deepening cooperation within the Partnership. The analysis is based on the assumption that despite the lack of a comprehensive EU strategy for the future of this cooperation, both France and Germany, forming the European "tandem", follow a similar concept of the Partnership program development, based on three basic issues: limiting political cooperation for deepening economic integration; giving priority to relations with Russia, a firm opposition to political declarations related to the recognition of the aspirations of partner countries for EU membership. The main research method used in the article is the analysis of official documents of EU institutions and French and German government institutions in the

field of foreign policy (including European policy), as well as official speeches of representatives of both countries.

The comparative method was applied at the level of comparing the EU approach, as well as that of the German and French authorities, to the development of the Eastern Partnership in the medium and long term.

