

# 2nd International Conference on Comparative Law

## *Private Interest and Public Interest in the European Legal Tradition*

**University of Warmia and Mazury in Olsztyn**

Palacky University in Olomouc

Matej Bel University in Banska Bystrica

County of Olsztyn

held under patronage of  
the Minister of Foreign Affairs

**Radosław Sikorski**

Honorary Committee: **Filip Melzer** – Minister of Justice of the Czech Republic, **Maciej Szpunar** – Vice Minister of Foreign Affairs, **Ryszard Górecki** – Senator, Rector elect of the University of Warmia and Mazury in Olsztyn, **Maciej Bobrowicz** – President of National Council for Legal Advisers, **Janina Kosowska** – President of the Regional Administrative Court in Olsztyn, **Wacław Bryżys** – President of the District Court in Olsztyn, **Beata Kurowska** – President of Regional Court in Olsztyn, **Piotr Kluz** – Judge of the District Court in Warsaw, **Mirosław Pampuch** – Chief Executive of Olsztyn County, **Stanisław Mraz** – Dean of the Faculty of Law in Banska Bystrica, **Józef Górniewicz** – Rector of the University of Warmia and Mazury in Olsztyn, **Norbert Kasperek** – Dean of the Faculty of Humanities of the University of Warmia and Mazury in Olsztyn.

Organization Committee: prof. Bronisław Sitek; Jakub J. Szczerbowski, Ph.D Katarzyna Ciućkowska-Leszczewicz; Ph.D Magdalena Zielińska, M.A.; Aleksander W. Bauknecht, M.A; Adrian Szczudłowski, M.A.; Kamila Naumowicz, M.A.; Dagmara Barańska, M.A.; Paulina Kantypowicz, Kamila Klimaszewska, Agata Krygier, ELSA Olsztyn.



All events take place in the Center of Humanities  
(Kurta Obitza 1, 10-725 Olsztyn, GPS: 53.75049, 20.45713)

## March 23, 2012

(All events on March 23 take place in Maria and Georg Dietrich Hall)

### Opening ceremony (10:30 – 11:00)

1. University Choir.
2. Welcome word by **Bronisław Sitek**, Dean of the Faculty of Law and Administration of the University of Warmia and Mazury in Olsztyn.
3. Welcome word by Rector of the University of Warmia and Mazury in Olsztyn.
4. Welcome word by **Christian von Bar**, University of Osnabrück, Chairman of Study Group on a European Civil Code.

### Session 1 (11:00 – 13:45, Language: English, Chairman: rev. prof. Franciszek Longchamps de Berier)

1. Prof. **Christian von Bar** (University of Osnabrück)  
*The Battle to Establish a European Contract Law.*
2. Prof. **Carlos Flores Juberias** (University of Valencia)  
*Questioning the European Heritage?: The So-Called New Latin American Constitutionalism.*
3. Prof. **Maciej Szpunar** (Ministry of Foreign Affairs)  
*Public Law and Private Law in the Legal System of the European Union.*

### Discussion (13:45 – 14:15)

### Lunch (14:00 – 15:00)

### Session 2 (15:00 – 16:30, Language: English, Chairman: prof. Bronisław Sitek)

1. Prof. **Luz Martinez Velencoso** (University of Valencia)  
*Family self-determination. Privatization of the public interest.*
2. Prof. **Hermann Vasquez** (Central University of Venezuela)  
*Influence by Human Rights protection's rules under the Spanish Constitution on Venezuelan and Bolivian constitutional rules.*
3. **Rafał Mańko**, M.A. (Court of Justice of the UE)  
*The Cooperative Member's Proprietary Right to an Apartment in a Housing Cooperative: A Survival of "Really Existing Socialism" in Polish Legal Culture After 1990.*
4. **Anna Rataj**, M.A. LL.M. (Jagiellonian University)  
*A Question of Polish Citizenship of 68' Emigrants from Poland to Israel.*

**Discussion (16:30 – 17:00)**

**Coffee break (17:00 – 17:15)**

**Session 3 (17:15 – 18:30, Language: English, Chairman: JUDr. Maxim Tomoszek)**

1. **Norbert Adamov**, Ph.D (Comenius University in Bratislava)  
*The current legislation in the Slovak Republic in the copy audio and audiovisual records in the comparison in the toolbars for more effective enforcement of intellectual property rights under the draft Anti-Counterfeiting Trade Agreement.*
2. **Branislav Fábry**, Ph.D (Comenius University in Bratislava)  
*Public and Private Law or Public and Private Interest?*
3. **Irina Moutaye**, Ph.D  
*Res Publica and Res Mercatoria in European Legal Tradition and Russian Civil Law.*
4. Prof. **Irene Portela** (Polytechnic Institute of Cavado and Ave)  
*What's about the new EU directive on "personal data" for enhancing "privacy"?*
5. **Maciej Zachariasiewicz**, Ph.D (Kozminski University)  
*How to Steer Away from the Consumer Optics in the Common European Sales Law: An Alternative Approach to the Commission's Proposal for the Optional Instrument.*

**Discussion (18:30 – 19:00)**

**Reception (20:30 – 23:00, Hotel Park)**

**March 24, 2012**

**Panels A, B, C (9:30-11:00)**

Panel A (9:30 – 11:00, room 103, Language: Polish,  
Chairperson: **Dorota Lis-Staranowicz**, Ph.D)

1. Prof. **Ewa Ferenc-Szydełko** (University of Opole)  
*Ustawa z 26 stycznia 1984 roku – Prawo prasowe – umiarkowanie użyteczny relikw PRL.*
2. Prof. **Bronisław Sitek** (University of Warmia and Mazury in Olsztyn)  
*Rozważania nad własnością w europejskiej filozofii i kulturze prawnej.*
3. **Paweł Polaczuk**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Interes publiczny. Problemy współczesne.*
4. **Beata Ruszkiewicz**, M.A (University of Gdańsk)  
*Właściciel na łasce i niełasce urzędnika, czyli o skutkach braku miejscowego planu zagospodarowania przestrzennego.*
5. **Anna Narewska**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Prawo zamówień publicznych jako płaszczyzna równoważenia interesu publicznego i prywatnego.*

- 6. Dobrochna Ossowska-Salamonowicz**, Ph.D & **Marcin Kazimierczuk**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Prawne aspekty wolności zgromadzeń.*

Panel B (9:30 – 11:00, Maria and Georg Dietrich Hall, Language: English, Chairman: **Jakub J. Szczerbowski**, Ph.D)

1. Prof. **Zdzisław Brodecki**, **Magdalena Konopacka**, Ph.D (University of Gdańsk)  
*Market, Culture and the Law.*
2. **Anna Schneiderová**, Ph.D (University of Matej Bel)  
*Legal Languages Translation and Comparative Law.*
3. **Anna Palczewska**, M.A. (Jagiellonian University)  
*The Concept of Culpa in Contrahendo in European Legal Tradition. A Comparative Study.*
4. **Justyna Krzywkowska**, Ph.D, **Aleksandra Bitowt**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Selected community and local government initiatives to keep tangible and intangible cultural heritage in the Warmia-Mazury.*
5. **Adam Poszewiecki**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Service of Citizen in a Foreign Army – Chosen Aspects.*

Panel C (9:30 – 11:00, room 104, Language: Polish, Chairman: **Benedykt Puczkowski**, Ph.D

1. **Marcin Kowalczyk**, Ph. D. (University of Warmia and Mazury in Olsztyn)  
*Instytucjonalne przyczyny kryzysu strefy euro.*
2. **Bogdan Włodarczyk**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Uregulowania prawne w polskim systemie bankowym jako element regulacji międzynarodowego systemu finansowego.*
3. **Andrzej Skonieczek**, Ph. D. (University of Warmia and Mazury in Olsztyn)  
*Pomiar efektywności inwestycji.*
4. **Jerzy Kawa**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Zewnętrzne źródła wsparcia działalności biznesowej.*
5. **Benedykt Puczkowski**, Ph. D. (University of Warmia and Mazury in Olsztyn)  
*Korzyści i koszty pomocy publicznej.*

**Coffee break (11:00 – 11:30)**

**Panels D, E, F (11:30-13:30)**

Panel D (11:30 – 13:30, room 103, Language: Polish,  
Chairperson: **Katarzyna Ciućkowska-Leszczewicz**, Ph.D

1. **Paweł Romaniuk**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Samorząd województwa jako moderator polityki regionalnej.*
2. **Dariusz Gibasiewicz**, Ph. D. (University of Warmia and Mazury in Olsztyn)  
*Pojęcie dostawy towarów na gruncie unijnego systemu podatku od wartości dodanej w świetle relacji prawa i ekonomii.*

3. **Martyna Seroka**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Separacja w prawie polskim i w prawie kanonicznym.*
4. **Monika Kotowska**, Ph.D, **Piotr Chorbot**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Międzynarodowe mechanizmy przeciwdziałania i zwalczania przestępczości zorganizowanej w aspekcie prawnoporównawczym.*
5. **Justyna Karaźniewicz**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Pomoc osobom pokrzywdzonym przestępstwem w świetle prawa polskiego i regulacji Unii Europejskiej.*

Panel E (11:30 – 13:30, Maria and Georg Dietrich Hall, Language: English,  
Chairman: **Branislav Fabry**, Ph.D)

1. **Katarzyna Guziak** (Jagiellonian University)  
*Arbitrating Intellectual Property Law in EU, USA and China – comparative analysis.*
2. **Izabela Prager**, B.A. (University of Warsaw)  
*In Search of a Tertium Comparationis or the Critique of Comparative Law and Economics in France.*
3. **Ondrej Laciak**, Ph.D, (Comenius University in Bratislava)  
*Fight against money-laundering.*
4. **Luigi Lai**, Avv., (Information Processing Institute- University of Cagliari)  
*Measures for Saving Companies Intrinsic Value The Spanish and Italian Experience.*
5. **Anna Franusz**, M.A. (University of Warmia and Mazury in Olsztyn)  
*The Principle of Autonomy of Arbitration Agreement in Comparative Perspective.*
6. **Michał Mariański**, M.A. (University of Warmia and Mazury in Olsztyn)  
*The Influence of Unidroit Convention on Substantive Rules for Intermediated Securities on the European Legal System.*

Panel F (11:30 – 13:30, room 104, Language: English,  
Chairperson: **Anna Schneiderová**, Ph.D)

1. **Edyta Sokalska**, Ph. D. (University of Warmia and Mazury in Olsztyn)  
*The Impact of the Federal Structure of a State on the Fulfilment of Private and Public Interest.*
2. **Michał Wdowiak**, M.A. (Academy of Law and Diplomacy in Gdynia)  
*Servitude of transmission – conflict between the public interest and the private interest.*
3. **Magdalena Rzewuska**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Reverse mortgage.*
4. **Maciej Rzewuski**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*The role of the court of the land and mortgage registry.*
5. **Martina Cirbusová**, M.A. (Masaryk University in Brno)  
*Correct Distribution of Sources of other than National Origin into two Basic Groups – Formal and Material Aspects.*
6. **Piotr Sawicki**, M.A. (University of Białystok)  
*The measures of improving a condition of national treasury and economic growth. A case study of Roman Empire.*

## 13:30 – 14:30 Lunch

### Panels G, H, I (14:15 – 15:45)

Panel G (14:15 – 15:45, room 103, Language: English, Chairman: **Edyta Sokalska**, Ph.D)

1. **Wiesław Breński**, Ph.D (University of Warmia and Mazury in Olsztyn),  
**Marcin Galibarczyk**, M.A.  
*Public-private partnerships being a chance to realize the investments in the age of local government debt.*
2. **Dominik Sinica**, LL.M.  
*Internet – the New World Order in Copyright's.*
3. **Marta Budzinowska**, M.A. (Adam Mickiewicz University in Poznań)  
*Safe-Deposit Box Contract.*
4. **Jozef Centes**, Ph.D (Comenius University in Bratislava)  
*Crimes with extremistic background within the Slovak legal order.*
5. **Ewa Kabza**, M.A. (Nicolaus Copernicus University in Toruń)  
*Few remarks on comparative family law.*
6. **Małgorzata Łach**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Comparison of agriculture in ancient Rome with Polish agriculture.*

Panel H (14:15 – 15:45, Maria and Georg Dietrich Hall, Language: English, Chairman: **Eduard Burda**, Ph.D)

1. **Polina Nesterenko**, Ph.D (Kharkiv University of Humanities)  
*Protection of the property rights: practice of the European Court of Human Rights.*
2. **Dmytro Lukianov**, Ph.D (National University "Yaroslav the Wise Law Academy of Ukraine")  
*Prospects for Islamic law in Europe.*
3. **Lubomír Čunderlík**, Ph.D (Comenius University in Bratislava)  
*Forced administration over a bank as a limit of ownership  
– application problems of legal regulation.*
4. **Anna Kurzyńska**, M.A. **Sylwia Łazarewicz**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Cultural policy of the European Union and freedom of audiovisual services.*
5. **Sylwia Łazarewicz**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Liability for non-material damage in contract.*

Panel I (14:15 – 15:45, room 104, Language: English, Chairman: **Dariusz Gibasiewicz**, Ph.D)

1. **Alicja Wojciechowska**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*The Liability for Damages of Public Authority.*
2. **Łukasz Koba**, M.A. (University of Rzeszów)  
*In what direction is the European Union policy on trafficking in persons? Theoretical prospects and practical issues.*
3. **Krystyna Maria Warylewska**, M.A. (University of Gdańsk)  
*Res Publica – Influence of french culture on development of European integration.*
4. **Szymon Syp**, M.A. (Warsaw School of Economics, SSW Law Firm)  
*M&A in banking sector.*

5. **Katarzyna Piecha**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Appraisal Criteria of Freedom of Expression Based on Case of Lahtonen v. Finland, Judgment ECHR of January 17, 1.2012.*

**Final comments and discussion (15:45-16:30, Maria and Georg Dietrich Hall, Language: English)**

1. Prof. **Christian von Bar** (University of Osnabrück).
2. Prof. **Carlos Flores Juberias** (University of Valencia).
3. Prof. **Bronisław Sitek** (University of Warmia and Mazury in Olsztyn).

**Other submitted papers**

1. **Mariusz Golecki**, Ph.D (University of Lodz)  
*Speculating Speculation. In Search of an evolutionary Theory of Derivatives' Law.*
2. **Jakub J. Szczerbowski**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Econphysics of Law.*
3. **Katarzyna Ciućkowska-Leszczewicz**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Spółka cicha w regulacjach europejskich.*
4. **Aleksander W. Bauknecht**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Ad Valorem Tax, Compulsory and Reverse Mortgage or how to Free a Citizen from the Problem of his Property.*
5. **Marek Salamonowicz**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Spin-Off Company as a Legal Form of Commercialising University's Intellectual Property Rights.*
6. **Magdalena Zielińska**, M.A, (University of Warmia and Mazury in Olsztyn)  
*Changes in Content of Ownership after Transformation.*
7. **Paweł Romaniuk**, Ph.D (University of Warmia and Mazury in Olsztyn)  
*Kontrola zarządcza elementem prawidłowo funkcjonującej jednostki samorządu terytorialnego.*
8. **Krystyna Hołdyńska-Ziółkowska**, M.A. (University of Warmia and Mazury in Olsztyn)  
*Concept employer's interest in the context of duty to care for welfare of the workplace (article 100 § 2 point 4 l.c.).*
9. **Ewa Kosior**, M.A. (University of Białystok)  
*Subsequent Cumulative Assumption of Debt as a New Type of Security.*
10. **Magdalena Majewska**, M.A. (University of Białystok)  
*Who owns a concept? Fashion law from a comparative perspective.*

Important information: Papers should be submitted to [jakubjszczerbowski@gmail.com](mailto:jakubjszczerbowski@gmail.com). Please include "cc-paper: YOUR NAME" in the subject field, this ensures that we do not lose your paper in the hundreds of emails. The deadline for paper's submission is April 24, 2012.

**IMPORTANT: Please note that on Sunday we switch to  
Central European Summer Time.  
Remember about it while traveling.**

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