

Poland

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Present experts were:

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Dr Monika Jagielska
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After a brief introduction of the research project by the representative from the consortium, Mr Michiel de Rooij, the following issues were discussed.

1. Expectations of the experts

With regard to the expectations from a possible future network, the following general remarks were made.

With regard to the development of a network that would offer products to its members such as an exchange of information or database services, the comment was made whether a service comparable to systems known in the United States (Westlaw, Lexis) would be possible and whether there had been any contact with law publishers on the commercial viability of such a service. It was further remarked that, irrespective of the organisation of an information system, it should be necessary to verify the information available.

The experts expressed a genuine need for more information on developments in case law and legal writing from other member states and on the nature of legal research that was carried out in other member states. With respect to information on case law, reference was made to the Polish 'Yellow Pages', the legal part of a daily newspaper that publishes abstracts of import case law. These Yellow Pages were an important source of information for practising lawyers ('a case is not known if not published in the Yellow Pages'). For cases on EU PIL instruments from the Member States, a similar publication was considered useful. It

was further stated that, especially for cases from other Member States, not only the information (i.e. the decision) but also comment was necessary. The impact of, e.g., a French decision without further comment would be difficult to determine.

With regard to the relation that a future network could develop with the EU Commission expectations were at a lower level. It would be difficult to influence the law-making process after a proposal had been sent to the European Parliament. Some influence might be possible during the consultation phase. It was accepted that the current situation lead to rather diverse reactions and comments, that might not deal with issues of specific concern. It might be possible to create a situation wherein there is both room for a 'democratic' form of consultation and involvement of experts from the network. Much would also depend on the way the Commission would phrase its request for comments.

2. Possible products

In addition to a more or less general information service as mentioned above, the following possibilities were mentioned:

- the EU PIL instruments lack explanatory reports such as available for many international conventions. A report in a similar style could perhaps be developed by participants in the network. A more comprehensive handbook was another option, or a product such as the Digest on the Vienna Sales Convention;
- with respect to case law, publication in the form of excerpt, comparable to the CLOUT system would be an option;
- a casebook on PIL, bringing together cases from all Member States would be very useful for educational and practical purposes. Inspiration could be drawn from the following: <http://www.law.kuleuven.ac.be/casebook/> ;
- reference was also made to projects such as Wikilaw;
- a yearbook on EU PIL;

3. Structure

With respect to the structure of the network, several issues were discussed.

Organisation

A model where the organisation would be in hand of a secretariat, possibly supported by regional secretariat was considered a possibility. The secretariat could indeed have several tasks, e.g. to follow all major developments in case law and legal writing, to make the information available via a website. The secretariat might also have a function in bringing together national experts and the EU Commission. There was a concern that the secretariat would develop too much power or influence.

With regard to experiences in the Polish legislative process (for PIL codification), a very open model had been used, whereby the proposals had been debated at public congresses, with reports and co-reports.

Platform

Internet was generally considered the only and the best platform for the network. In this respect the remark was made whether Internet search companies could be involved. E.g. on

the basis of searches in the website, the specific interest and hence knowledge of the participant would become more apparent.

4. Persons or groups to be involved

As to the professional background of the lawyers who might be involved in a consultation process, it was remarked that practising lawyers would mainly be interested when they were acting on behalf of an interest group. There were some doubts that judges would be interested in being involved. Polish academics would in general have practical experience in addition to their legal expertise. Polish practitioners would often involve academics when dealing with complicated issues.

5. Main purposes of a network

The main purpose of the network, for the time being, should be to focus on academic researchers and to offer them an exchange of information, such as who is who, what is going on in research and other publications.

6. Other remarks

The participants all showed genuine interest in being involved in a network. However there were some doubts as to the follow-up of this feasibility study. Some serious problems were foreseen as to the costs of setting up a network and whether there was a genuine intention to invest in this. A good network was seen as the most important issue. Once this was resolved it would mean that European institutions, such as the Commission, would make use of it.

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