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# INTERNATIONAL LEGAL DIMENSION IN REGULATION OF FOREIGN TRADE IN THE REPUBLIC OF LITHUANIA AND ITS TRANSFORMATIONS: COMPARATIVE AND HISTORICAL ASPECTS

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## Abstract

**Purpose** – the article analyses the Lithuanian experience on the regulation of foreign trade using international legal instruments (bilateral and multilateral international trade agreements) and explores its comparative aspects since the formation of the independent state (in XIIIth century) until nowadays. Therefore, the article aims to identify the international legal instruments (sources of international law) which were shaping the implementation of foreign trade policy and its development in individual historical stages of statehood. In order to achieve this goal, the following objectives were raised: (i) to summarize the historical experience of Lithuanian state in the regulation of foreign trade by participating in international legal relations and signing of trade agreements with other countries (from XIIIth until XVIIIth century); (ii) to assess and compare the practice in the Interwar Republic of Lithuania (yrs. 1918 - 1940, and in the Republic of Lithuania after the restoration of its independence (since 1990) on the applied (applicable) foreign trade regulatory measures (customs duties/tariffs) and, in particular, their international legal foundations; (iii) to identify main legal problems which arises for the Republic of Lithuania and are created by existing modern conditions for the regulation of foreign trade (participation in the World Trade Organization and World Customs Organization as well as membership in the European Union (EU) and by the modern international legal instruments which are setting the rules for the application of customs tariffs and the taxation of international trade in goods.

**Design/methodology/approach –** article consists of an introduction and two chapters as well as of conclusions (recommendations). The first and the second chapter is based on the comparative historical method and provides an overview of the historical origins of foreign trade regulation in Lithuania and its international legal assumptions. They seek to answer the first and some aspects of the second research objective (see "Purpose") and presents comparison of approaches towards the use of international instruments and sources of international law in the regulation of foreign trade which were applied in the Grand Duchy of Lithuania since XIIIth until XVIIIth century and in the Interwar

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Republic of Lithuania (yrs. 1918 - 1940). Comparative analysis is further developed in the third chapter which is dedicated to the in-depth exploration of the second and third research objective: according to the pre-defined historical context, the third chapter presents the practice of the Restored Lithuanian Republic (since 1990 and prior to its accession to the European Union (EU)). as well as the recent legal challenges of the Republic of Lithuania in the regulation of foreign trade which are defined by the state's integration into the major international trade organizations (WTO/WCO and the EU). In addition to the historical comparative method (comparison of the historical sources), other theoretical methods (such as analysis, synthesis, linguistic, systemic as well as case study (analysis of relevant national case law)) were also used for conducting the research.

**Finding** – legal regulation of foreign trade and customs duties (tariffs) in Lithuania has traditionally been characterized by using an international element. Therefore, the intention to deal with issues related to international (foreign) trade through the signing of international treaties (trade agreements) and integration into international markets can be noticed from the moment of creation of the Lithuanian State. This aspect of the Lithuania's historical experience is fully in line with the contemporary experience of other European countries (international trade agreements were actively started to be used as the instruments for the regulation of foreign trade essentially at one and the same time, i.e. since XIIIth century). The international legal dimension for in regulation of foreign trade also clearly dominated both the practice and experience in the Interwar Republic of Lithuania (yrs. 1918 - 1940) and in the Restored Lithuanian Republic (since 1990). While considering the objective historical conditions the interwar Republic of Lithuania (yrs. 1918 - 1940) we may notice, that during that period an international regulatory level was based only on bilateral agreements with foreign countries on the conditions of foreign trade and its taxation with customs duties (tariffs). However, in the Interwar period, the broader level of international integration was not achieved despite the ideas to create the customs union of the Baltic States since 1939 or even to participate in the creation of the possible European economic union in 1932 by the initiative of the League of Nations. These or similar goals has been consistently implemented only since 1990. On the other hand, from the historical point of view, the membership of the Republic of Lithuania in the WTO and implementation of the EU's Common Commercial Policy in the XXI century creates completely new regulatory problems and challenges for the state in the international trade relations and application of customs duties (tariffs). These problems are related to the uncertain status of the WTO/WCO law in the national legal system and the absence of the updated strategy for the representation of the Republic of Lithuania in the formation of Common Commercial Policy of the EU and the making of relevant decisions at the EU level.

**Research limitations/implications** – the analysis of the legal regulation of foreign trade in the Republic of Lithuania is focused only on application of customs duties (tariffs), as the main foreign trade regulatory measures and gives an overview of their international level (dimension), that is legal regulations which were set by the

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international treaties (international trade agreements) and international organizations to which the Republic of Lithuania has acceded. Accordingly, the article does not examine in detail the national customs/trade law, its transformations and the activities of national institutions which were implementing its requirements.

**Practical implications** – based on the defined and surveyed historical context the article aims to provide insights into the potential strategic areas for the regulation of foreign trade and customs duties (tariffs) in the current international environment when the Republic of Lithuania should implement both the Common Commercial Policy of the EU and its commitments to the WTO.

**Originality/Value** – it should be noted that the issues related to the historical evolution of the regulation of foreign trade in the Republic of Lithuania, firstly, comparative evaluation of the experience of Lithuanian state during different historical periods, such as Grand Duchy of Lithuania (XIIIth – XVIIIth centuries), the Interwar Republic of Lithuania (yrs. 1918 – 1940) and the Lithuanian Republic, which was restored in 1990, are not examined in the scientific literature. There are only studies on each specific period (such as Kiaupa (1993), Grabauskas (1994), Jakubčionis (1999), Raišytė-Daukantienė (2003) Laurinavičius (2007) and etc.) but they usually don't provide any comparative insights between different periods and international regulatory environment of the analyzed historical period. In addition, although some individual authors (see e.g. Vilpišauskas, 2000; Rimkus, 2005; Rakauskienė, 2006; Venckus, 2008; Buškevičiūtė 2007; Bernatonytė, 2011) have also generalized experience of integration of the Republic of Lithuania's into the main international economic organizations (WTO, EU) (since 2000s) and some of the recent problems which arose in this process, but during the last decade no coherent legal research was carried out on which legal challenges arise to the Republic of Lithuania in the practical implementation of its international commitments to apply certain foreign trade regulatory measures (customs duties/tariffs).

**Keywords:** international trade law, international trade agreements of the Republic of Lithuania, customs duties (tariffs), World Trade Organization (WTO), Common Commercial Policy of the EU.

**Research type:** a general review.

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# POPULIST DISCOURSE IN SPAIN AND UNITED STATES: A SEMIOTIC APPROACH

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## Abstract

In recent years the political landscape has changed in several countries of the Western World as a result of the emergence of different political formations encompassed by the media under the label of "populism". The political scenario in countries as Spain, Italy, Austria, the Netherlands, Hungary or, Greece has undergone significant modifications through the emergence of these political formations that have gained ground to traditional parties in the national and regional parliaments of those countries. Even events such as *Brexit* in the United Kingdom and Donald Trump's presidential race to the White House in United States are associated with the populist phenomenon, without forgetting the thrust of *Le Front National* (FN) in France and the expectation about the results of *Alternative für Deutschland* (AfD) in the upcoming German federal elections. This socio-political phenomenon of international scope raises the attention of researchers belonging to different scientific disciplines. In the case of the present work, the study of populism is focused on its discursive dimension through the implementation of Algirdas Greimas' Narrative Semiotics, as well as on its cultural dimension through the application of the theoretical contributions of Yuri Lotman and the Semiotics of Culture developed by the Tartu-Moscow School. The combination of these branches of Semiotics in the analysis of populist discourse reflects the intricacy of the dialectical relationship between the concepts of tradition and modernity. At times reactions to changes could become the origin of new social transformations. In such processes the updating of former social expressions in current scenarios is observed: the populist phenomenon is, among other aspects, a reaction to the negative impact of globalization on the working classes of the Western countries, and this reaction is transforming the political scene in the above-mentioned countries. To seize power many of the populist parties have updated and have put in a pivotal position the concept of *people,* but the ideological diversity between these political formations demands a rigorous identification of common elements as discursive strategies or programmatic points in order to study this phenomenon with scholarly accuracy.

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**Purpose** – This research aims to analyze the populist phenomenon in Spain represented by the political party *Podemos* on its discursive and cultural dimensions and to identify the existing similitudes between *Podemos* and Donald Trump's presidential campaign.

**Design/methodology/approach –** This work deals with the "*Podemos* hypothesis" and Trump´s presidential race through the implementation of Greimas' Actantial Model, especially the subject and opponent categories, and Lotman's concepts as semiosphere together with his ideas about memory and culture. The so-called "*Podemos* hypothesis" is the plan established by the leaders of this party to overcome the axis of traditional left-right dispute, and the consequent objective of constructing a new hegemonic political subject in Spain, inspired by the theory of populism developed by Ernesto Laclau, and demarcated in a new political arena: the up-down axis, that is, the axis *people* versus *establishmen*t. The discursive and cultural similarities between "Podemos hypothesis" and Trump's presidential race are both analysed through a qualitative approach based on the descriptive analysis of documents elaborated by Podemos' leaders and Trump's campaign team.

**Finding** – The investigation reveals as the main common element between the way of doing politics of Donald Trump and *Podemos* the high polarization of their speeches, who's central idea is summed up in the axis *people* versus *establishment*, in which Trump, just as the *Podemos* leaders is self-proclaimed as the authentic representative of the people. This antagonism of populist discourse corresponds to epic stories with a moralizing tone in which the opposition between "the good" and "the bad" is easily distinguishable.

**Research limitations** – The research is restricted to the analysis of the political documents elaborated by *Podemos*' leaders for the two party conferences that have been held up to now (2014 and 2017), and the documents created by Trump's campaign team for the last U. S. presidential election (2016), together with a selection of speeches by Donald Trump and Pablo Iglesias (*Podemos* leader) in the media, political rallies and institutions.

**Practical implications** – The results of this work may contribute to make known the characteristics of the Spanish populist phenomenon in countries farther from Mediterranean Europe such as Lithuania and the rest of the Baltic countries. In addition, the findings of this research help in the systematization of populism at the international level despite the different ideological background between Podemos' leaders and Donald Trump. The results of this work may also be the first steps for further investigations with a broader scope as the ellaboration of adoctoral dissertation about populism through semiotic theoretical frameworks. Finally, this work may be useful for researchers and students from the fields of Narratology, Semiotics and, Political Science, due to the implementation of theories that were not conceived to analyse the political discourse, as Greimas' Actantial Model and Lotman's semiosphere, to the study of a socio-political phenomenon as populism.

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**Originality/Value** – The identification of populist discourse as an story approachable by Narrative Semiotics, in which it is pertinent to apply Greimas' Actantial Model, together with the contributions provided by Semiotics of Culture, that allows to analyse the cultural implications of populism in each country, and at the international level, reveals the usefulness of Semiotics to generate new insights to the study of a burning issue in the Western World as populism.

**Keywords:** *Podemos*, Donald Trump, Populism, Narrative Semiotics, Semiotics of Culture, Ernesto Laclau.

**Research type:** research paper.

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# CRITICALLY ILL MIGRANTS, ASYLUM SEEKERS AND THE DOUBLE STANDARD OF APPLICATION OF THE PRINCIPLE OF *NON-REFOULEMENT*

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## Abstract

The principle of *non-refoulement* is a well-established principle of international law in the field of both refugee protection and protection of human rights. As for the latter, the norm is deemed to be a *ius cogens* rule, as clarified by Sir Lauterpacht e Bethlehem. This qualification results in its absolute and not derogable character, as well as in the prohibition to subject the norm to any limitation. However, the principle is composed by terms having a flexible meaning. On the one hand, this feature allows the norm to be applied to a broad range of situations; on the other hand, the lack of a well-defined meaning involves the risk for the absolute character of the norm to be undermined. On this regard, the concrete enforcement of the principle plays a crucial role. The European Court of Human Rights (ECtHR) is among the international judicial mechanisms which have contributed in a significant way to the promotion and to the clarification of the scope of the norm. Over the last few years, the application of the protection *par ricochet* has increasingly concerned cases involving expulsion orders targeting asylum seekers and critically ill migrants due to the several number of application complaining the violation of the art. 3 of the European Convention of Human Rights (ECHR). The jurisprudence related to these two categories of subjects is worth attention. In particular, the analysis of the recent ECtHR case law highlights a considerable change concerning the approach implemented by the Court hereinbefore. The reference is to the circumstances and conditions required in order to declare that an expulsion order targeting a critically ill migrant is in violation of the principle of *non-refoulement*. Through both the exam of the jurisprudence of the ECtHR from *D. v. United Kingdom* to *Paposhvili v. Belgium* and the comparison between the judgments regarding critically ill migrants and asylum seekers, the study will address the issue of whether the Court has developed a different standard of application of the protection *par ricochet* in the field of expulsion orders targeting the above-mentioned categories of subjects and whether this approach could undermine the absolute character of the principle of *non-refoulment*.

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**Purpose** – The present article aims at analyzing whether the jurisprudence of the Strasburg Court has undermined the absolute character of the principle of *non-refoulement*, regarded as a *jus cogens* norm in the field of the international protection of human rights. The paper will examine whether the Court has developed a double standard of application of the principle in the context of expulsion orders to countries of origin targeting asylum seekers and critically ill migrants.

**Design/methodology/approach –** Analysis and comparison of the ECtHR judgments concerning the application of the principle of *non-refoulement* in the field of expulsion orders targeting critically ill migrants and asylum seekers.

**Finding** – After several judgments characterized for the recognition of different levels of guarantee ensured to critically ill migrants and asylum seekers in the field of expulsion orders to countries of origin, the Court has changed its approach to the issue at hand and has recognized a wider protection to critically ill migrants. This welcomed and long-waited development has contributed to re-establish the absolute character of the prohibition of torture, inhuman and degrading treatment.

**Research limitations/implications** – The research is limited to the jurisprudence of the ECtHR. The analysis concerns the judgments dealing with the expulsion orders targeting only asylum seekers and critically ill migrants. The paper does not examine the issue concerning the legal status of the subject whose expulsion would violate art. 3 ECHR - the analysis does not concern the national legal grounds upon which a foreign is allowed to stay in a specific country.

**Practical implications** – The complete understanding of the new approach developed by the ECtHR could help Council of Europe member States in reviewing their migration policy concerning expulsion orders targeting critically ill migrants. Moreover, advocates and legal counsel could rely on the recent case law of the ECtHR in drafting judicial claims aimed at avoiding illegal expulsions of foreigners to their countries of origin.

**Originality/Value** – The main point of the paper is to underline that the low level of protection acknowledge by the ECtHR to critically ill migrants in the field of expulsion orders is unjustified under the absolute character of the principle of *non-refoulement*. The originality of the work is the analysis method – namely, the comparison between the different standards of protection recognized to asylum seekers and critically ill migrants.

**Keywords:** principle of *non-refoulement*, *jus cogens*, international protection of human rights, Strasburg Court, double standard of application, asylum seekers, critically ill migrants,

**Research type:** research paper

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# EXPERIENCE OF A PERSONNEL MANAGER DURING ONGOING CHANGES IN AN ORGANIZATION

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**Abstract**

**Purpose** – is to reveal the experience of the personnel manager during the ongoing changes within an organization.

**Design/methodology/approach** – a semi structured interview was used, and the data received have been processed on the basis of a thematic analysis method adjusted for psychologists by Braun and Clarke.

**Research findings** are common themes characteristic of all research participants: "Permanent changes", "Resistance to changes", "Implementation of changes" and "Personal resources of a personnel manager".

**Research limitations/implications** – even though the research was conducted properly from the methodological point of view, it has some flaws. The researcher did not use the opportunity to fill out the diary/ reflexivity journal, in which the notes are written about the ideas that arise during the data analysis by coding data, selecting the themes and subthemes and their selection criteria. The diary helps to better reveal the subjectivity of the researcher. The second limitation is a small sample.

Further research should be based on the need to find out which competences and characteristics personnel managers are short of, to effectively implement the changes.

**Practical implications**. Application benefits is an opportunity to use the knowledge received for the preparation of the personnel and company managers and for the acquisition of the necessary competences for implementing changes: for change management, learning about the resistance to changes, for their reduction and prevention, for increasing the psychological welfare of employees and increasing collaboration within an organization.

**Originality/value**. The research conducted may encourage other researchers to more proactively use qualitative methods, to improve them, to involve more users of these methods into the community of users, to research the internal life of the organizations and the phenomena expressed in them (the experience of the employees, their emotions, relations, attitudes, decisions, behaviour, etc.) during the ongoing changes.

**Keywords:** personnel manager, thematic analysis, change management, experience.

**Research type:** research paper

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# THE LITHUANIAN CASE-LAW AFTER THE JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS ON THE CASES OF *DELFI AS V. ESTONIA* AND *MAGYAR TARTALOMSZOLGÁLTATÓK EGYESÜLETE & INDEX.HU ZRT V. HUNGARY*

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The article **is aimed** at analysing the Lithuanian case-law after the judgments that were delivered by the European Court of Human Rights (hereinafter referred to as the "ECHR") on the cases of *Delfi AS v. Estonia* and *Magyar Tartalomszolgáltatók Egyesülete & Index.hu Zrt v. Hungary* (hereinafter referred to as the "*MTE & Index v. Hungary*").

**Methodology.** The theoretical methods (historical, comparative, analytical and systemic) are used in the article.

The research **results** proved that Lithuanian courts of general jurisdiction apply *de facto* the criteria that are formed in the ECHR case-law on determination of websites' liability for the consequences that are caused by the third parties' unlawful comments. However, usually they do not state this fact in their judgments; therefore, it is difficult to determine whether the court actually followed the ECHR case-law or failed to behave so. Besides, when still guided by the ECHR judgments, it is an often case, when the courts cite separate assertions that confirm their position in the definite case, without, in fact, assessing the general legal and factual environment of the dispute. As such tendencies in the case-law may produce a negative impact on compatibility of the Lithuanian courts' and ECHR case-law, it is recommended to rely more often on the ECHR judgments, which meet the definite factual and legal context. It is positively assessed that the Lithuanian courts attach the essential significance not to the formal website operator's or website's status, but to the general context of comments and to the nature of comments, whereas the ECHR case-law is relied on, when analysing the issue on the liability of the authors of comments. Such tendencies in the Lithuanian case-law, which are focused on the definite entity's *role* in the process of publication and elimination of the unlawful comments, allow to balance maximally the interests of the parties to the dispute and meet the law interpretation direction that is formed by the ECHR. On the other hand, there is a lack of recognition of the website operator's obligation, which was singled out in the case of *Delfi AS v. Estonia*, to delete *on their own initiative* the clearly unlawful comments, though it is a significant criterion when settling the issue on the liability to be

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imposed on these entities, which can help to avoid the few years-long examination of the cases on elimination of the clearly unlawful comments. To sum up, the Lithuanian national case-law is inevitably influenced by the analysed decisions of ECHR, especially due to the fact that the main Lithuanian courts' decisions on determination of websites' liability for the consequences that are caused by the third parties' unlawful comments were adopted after the judgements on the cases of *Delfi AS v. Estonia* and *MTE & Index v. Hungary*. Currently the judgments of the Lithuanian courts basically meet the ECHR jurisprudence, but the Lithuanian courts' decisions are rarely directly motivated by the rules adopted by the ECHR; therefore, sometimes it is difficult to evaluate the real impact of the ECHR practice.

**Research limits.** The judgments and rulings of the Lithuanian courts of general jurisdiction, in which the rules that were formed by the ECHR on the cases of *Delfi AS v. Estonia* and *MTE & Index v. Hungary* were, could and / or had to be invoked, are being analysed in the article.

**Practical applicability.** *Firstly,* the research results are useful for the law applying entities - courts, mediators, various state institutions and public organizations that directly settle the disputes, which have arisen between the Internet users about the unlawful comments. *Secondly,* the research results are certainly useful for the legislator so as to be able to create on their grounds the rules of law, which are maximally suitable for solving the problematic situations, which arise in the electronic space. *Finally,* this research is useful for business entities and all other Internet users, who: a) are seeking for defending or are defending their rights, which were violated by the third parties' comments; b) themselves are brought to account because of their own written comments or the comments of the individuals, for whose actions they are potentially liable.

**Originality and significance.** The selected research object, except for L. Meškauskaitė's (2015) monograph[1], not only in the national context, but also in the context of the private law on the European scale is *innovative and has not been, in principle, studied at the scientific level.* The judgment that was delivered by the ECHR on the case of *Delfi AS v. Estonia* deserved much attention, it was analysed separately or alongside the judgments on *MTE & Index v. Hungary* and / or the judgments of the Court of Justice of the European Union (hereinafter referred to as the "CJEU")[2], *which*

[1] However, the judgment on the case of *MTE & Index v. Hungary* has not been delivered yet, when writing it.

[2] CJEU in joined cases C-236/08, *Google France SARL and Google Inc. v. Louis Vuitton Malletier SA*, C-237/08, *Google France SARL v. Viaticum SA and Luteciel SARL* and C-238/08, *Google France SARL v Centre national de recherche en relations humaines (CNRRH) SARL and Others* [2010], C-324/09, *L'Oréal SA and Others v eBay International AG and Others* [2011] and C-291/13, *Sotiris Papasavvas v O Fileleftheros Dimosia Etaireia Ltd, Takis Kounnafi, Giorgos Sertis* [2014] stated that, under article 15 of the Electronic Commerce Directive, providers of the Internet services are not obliged to monitor the information that is being rendered or stored and to manifest their active interest in the facts or circumstances that prove the unlawful activities. Such provider is not liable for the *data that are stored at the advertiser' request,* if the provider was not aware of the stored data or had not been monitoring them, *unless, after having found out* about their unlawfulness, *failed to take urgent measures so as to delete the information or to block the possibility to make use of it.*

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*were delivered by applying the Electronic commerce directive*[1], by B. van der Sloot, R. Caddell, L.Brunner, H. J. McCarthy, R. Perry, N. Cox, M. E. Griffith, T. Z. Zarsky, W. Schulz, U. Gasser, E. Weinert. However, the analysis of the Lithuanian case-law from the point of view of its compliance with the mentioned ECHR judgments has not been done yet.

**Key words:** *Delfi AS v. Estonia, MTE & Index v. Hungary, Lithuanian case-law after the case of Delfi AS v. Estonia, Lithuanian case-law after MTE & Index v. Hungary case, website operators' liability, website operators' liability in Lithuania, Internet commentators' liability, liability of the authors of comments.*

**Type of the research:** general review.

[1] Directive 2000/31/EC of the European Parliament and of the Council of 8 June on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market. [2000] *OL L 178.*

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# NEW FEMININE LEADERSHIP IN SPANISH POLITICS: ANALYSIS OF MEDIA REPRESENTATIONS

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## Abstract

**Purpose** – It can be said that Spain is now living its new political era. After economic crisis of 2008, new political parties emerged and put into the shade old and experienced political formations. The new political parties such as worldwide known Podemos (established in 2014) are trying to apply new way of doing politics. The party is in favour of a deeper participatory democracy and the defence of public goods. One of the main idea is of the "new politics" in Spain is to give more power to the people. In general, this left-wing party tries to do everything differently from traditional Spanish parties that are lost in corruption scandals and to be transparent to its supporters.[1] Podemos from its first steps works on rejecting austerity politics and giving back the political power to the citizens and take it back from political elites. That is why in municipal election of 2015 Podemos did not introduce their own candidates but backed up the already existing political formations (aroused after 15-M Movements, like Podemos itself) in some Spanish cities. This leads to the victory of social activist Ada Colau (and her party Barcelona en comu) in Barcelona and former judge Manuela Carmena (and newly formed party Ahora Madrid) in Madrid in the municipal election of 2015. "Today a new phase and a new way of governing together with all the citizens begin" - said Ada Colau during her inauguration as the first female mayor of Barcelona city.[2] She and the new mayor of Madrid Manuela Carmena became the symbols of the political changes in Spain. In summer of 2015 they defeated their competitors from the traditional Spanish parties and took power of two biggest Spanish cities. There is no doubt that these two women without previous experience in politics but activists in different movements are a good example for analysing women's representations in current political situation in Spain. Therefore, the purpose of this paper is to analyse women representation in above mentioned political changes in Spain and to reveal the new feminine leadership. The

[1] Corruption casts shadow over Spanish politics. Retrieved February 10, 2017 from http://www.thelocal.es/20150814/corruption-casts-long-shadow-over-spains-politics
[2] El cambio comienza en los ayuntamientos. Retrieved February 10, 2017 from http://old.sinpermiso.info/articulos/ficheros/fragayunt.pdf

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media occupies an important role here because it is main source to voice women participation in the political changes in Spain.

**Design/methodology/approach** – As this work tries to analyse women representations in recent political changes, media representations were chosen as a source of analysis material. Critical discourse analysis was applied to different texts that talk about women in this new period of Spanish politics.

**Finding** – New feminine leaders in Spanish politics – Ada Colau and Manuela Carmena – brought the idea of feminization of politics in Spain. Women started to participate more in public debates and important decisions of country's political life. Despite that, it was noticed that women in political changes are still less seen in the public and are less represented in the media on daily bases. Their input into the political changes stays unknown. Also, the results of the analysis showed that women in politics receive triple critique in the media: for being women and reaching for the highest positions, for not being a part of traditional parties and for changes and doing politics in different way in Spain. However, in this new political era in Spain, the representations of female leaders are based on their actions and ideologies and factors like their appearances or family life are slightly left for the second plan.

**Research limitations/implications** – It must be stressed out that all the articles chosen for critical discourse analysis are in Spanish language which is not mother-tongue of the author. Even though no inconveniences were detected during the analysis of the texts, it is important to mention that language factor can be considered as the limitation of this work. Furthermore, critical discourse analysis method was applied only to particular publications that were chosen for the research. In order to understand new feminine leadership in Spain better, it would be necessary to do a bigger research and apply more methods, such us interviews with the new political leaders.

**Practical implications** – Women participation and representation in politics is a vital topic and is even more popular in the last decades. Feminine leaders in Spain are a great example of feminizations of politics and new way of leadership. It is important not only to talk about their success but also to reveal their struggles. The period of political uncertainty in Spain provides an interesting investigation field in which women roles are still unknown. The cases of Ada Colau and Manuela Carmena are unique but there are more women participating in political changes and having their own roles, ideas, experiences, achievements, etc. Therefore, this research paper can be a great guide through the achievements of Spanish female politicians and also an encouragement for other scholars to pay more attention to feminine leadership and women in politics.

**Originality/Value** – This research can be a great addition to the future investigations on recent political changes in Spain. It also expands the understanding of feminine leadership and the new way of doing politics.

**Keywords: women leadership, political changes, Spanish politics**

**Research type:** research paper

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# BALANCE OF LEGAL PROTECTION BETWEEN PATIENT AND PHYSICIAN: PRESENTATION OF EXPERT INTERVIEW RESULTS

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## Abstract

**Purpose –** To reveal the insights of healthcare system experts on the balance of doctors' duties and rights, legal protection problems and possible legal decisions.

**Design/methodology/approach-** Method of the qualitative semi-structural interview of healthcare experts has been used. 10 doctors, scientists, heads of the leading health care institutions', specialists from Lithuanian Ministry of Health were interviewed. The experts were asked seven open end questions on the balance of the patient–physician legal protection. Their comments were recorded and, next, transcribed. The content-analysis of the transcribed text has been carried out. According to the methodology of the content –analysis the key topics were revealed and described.

**Findings -** Expert interview information analysis indicates that the balance of doctor's duties and rights is a multiple problem. Close interaction of legal, managerial and political fields and funds would solve it. Experts confirmed that doctors have no real possibilities to fulfil the high requirements set in Lithuanian legislation (be appropriatly careful, use all modern science tools) in order to ensure adequate service quality. The main reason is that there is no legal protection balance of doctors' duties and rights and no legal and managerial mechanism for that balance. This leads to a chain reaction of negative consequences – identical situations in case law are treated differently, defensive medicine has spread, doctors are not satisfied with the current situation in health system (paperwork consumes majority of time; there are no means to ensure doctors' work functions in complicated cases etc.) and inappropriately regulated responsibility for the solution of problems in health care system.

**Research limitations/implications -** The research results will complement the existing scientific research on the law determining the balance between the legal protection of patient and doctor was intended to discover balace factors affecting the medical practice and paver new ways for its improvement.

**Practical implications-** New proposal on the improvement of the current Lithuanian medical law.

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**Originality/Value** - Currently doctors' social position and relations with patients have substantially changed. During the last decade movements for patients' rights have become more active, legal regulation of medicine, requirements for doctors - much stricter, doctor activities' control and responsibility have increased; the number of cases against doctors has grown and doctors' professional activities have become directly dependent on globally existing credible research results. How to balance legal requirements for doctors and real possibilities to implement them? This balance is important to establish in order to assess what can be reasonably required from a doctor and to ensure health services' quality.

**Keywords –** Balance, duties, doctor's rights, legal regulation, doctor's responsibility.

**Research type:** research paper

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# DISPARITIES OF THE CONSUMPTION STRUCTURE IN THE EUROPEAN UNION

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## Abstract

**Purpose** – The research aims to examine the consumption structure in the European Union and identify the problematics as well as tendencies and transformations which are exposed by the consumption structure with regard to quality of life.

**Design/methodology/approach –** the official statistical data are used; the research is based on the methods of comparison, grouping, synthesis and regression analysis.

**Finding** – Consumption is an engine of economic growth as well as a vital factor to evaluate the quality of life. The strong demand is a critical factor of economic strength and a solution to take the country out of crisis. The collision is revealed where famous economists and analysis of economic indicators show the importance of consumption and the great issues when politicians keep extending the austerity policies despite the worsening of economic indicators, including the quality of life. The disparities of the consumption structure in the EU reveal that share of food consumption is related to inequality in a country and indicates the level of quality of life in the EU countries. Compared to other EU states, Lithuania shows worrying tendencies based on the high share of food consumption and alcohol consumption. The major part of Lithuanians can afford to spend significantly less on leisure time than the rest of EU. The social aspects here are critical and reveal the prominent tendency that the major part of Lithuanians work to survive and it is deteriorating.

**Research limitations/implications** – Consumption and its structure was not broadly researched in Lithuania. This research contributes to the field of consumption researches in Lithuania, it allows further development of theory and underlines the significance to analyze the evolution and structure of consumption especially in the perspective of growing prominence of consumption among the researchers of global importance.

**Practical implications –Originality/Value** – The consumption is claimed to be a path from deep economic crisis which is of great importance under the conditions of the economic recession in the EU. It is vital to examine the contribution of consumption to economic growth as well as quality of life. The analysis of the disparities of consumption structure in the EU allows determining the significant transformations and tendencies of

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economies and societies. The research reveals tendencies critical to the quality of life which are prominent in Lithuania and the rest of the EU.

**Keywords:** consumption structure, economic growth, economic crisis, quality of life.
**Research type:** research paper.

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# SOCIAL TRANSFORMATION OF PAKISTAN UNDER THE OBJECTIVES RESOLUTION

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**Abstract**

The Objectives Resolution was presented by the first Prime Minister of Pakistan Liaquat Ali Khan before the first Constituent Assembly of Pakistan on 7th March, 1949 which was passed on 12th March, 1949. It is the preamble of the Constitution of Pakistan 1973 and has been made its operative part in 1985 under article 2A. It is purpose of the Constitution of Pakistan 1973 and basis of making and amending the law and the Constitution in Pakistan as per principles laid down in the Holy Quran and Sunnah of Prophet Muhammad ﷺ. As per the Objectives Resolution, sovereignty belongs to Almighty Allah alone and executive powers cannot be used in a way contrary to injunctions of Islam and principles of democracy freedom, equality, tolerance and social justice would be fully observed. Muslims and Non-Muslims are fully independent to freely practice their religion, judiciary is required to be fully independent and rights of territories of Pakistan would be fully safeguarded so that people of Pakistan would be independent to attain their rightful place among nations of the world and make their full contribution towards international peace, progress, prosperity and happiness of humanity.

**Purpose** – This research is social study of Pakistan under the Objectives Resolution to examine provisions of the Objectives Resolution of Pakistan and analyses of current social legal system of Pakistan to suggest changes in the current laws and the Constitution of Pakistan accordingly for betterment of social justice system.

**Design/methodology/approach** – This study is routed in qualitative method to examine the Objectives Resolution of Pakistan and analyses existing social legal system of Pakistan to find and fix hurdles in better social legal system as per provisions of the Objectives Resolution of Pakistan.

**Finding** – This study would help political parties and competent authorities of Pakistan to understand the purpose and basis of Pakistan and its Constitution as prescribed by the first Legislative Assembly of Pakistan in 1949 as well as barriers in upbringing people of Pakistan and recommend changes in the Constitution and laws of Pakistan to create better social transformed society.

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**Research limitations/implications** – This study is examination of the Objectives Resolution of Pakistan and an analysis of social legal system, it does not go into detailed analysis of laws and Constitution of Pakistan and detailed analysis of every aspect of social life rather focusing on social aspect under the Objectives Resolution of Pakistan its effects and what changes are required to be followed for a better transformed society.

**Practical implications** – This study points out deficiencies in current social legal system under the Objectives Resolution of Pakistan and recommend changes in Constitution and laws of Pakistan as well as administrative changes for betterment of people at large.

**Originality/Value** – This study is personal and original work of the author on chosen topic and there are not many articles written on related topic and this research is conducted keeping in mind principles of piracy and illegal methods of doing research.

**Keywords:** Islamic Republic of Pakistan. The Objectives Resolution. The Constitution of Pakistan 1973. Fundamental Rights.

**Research type:** This study is general review and critical analysis of the sociology of Pakistan under the Objectives Resolution 1949.

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# THE SOCIAL VALUE OF NON-LIFE INSURANCE MARKET IN 21TH CENTURY

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## Abstract

**Purpose:** to evaluate a social impact of non-life insurance market to a nowadays society. More specifically, to identify the influence of non-life insurance products to household's and business financial stability, as well as for general financial situation.

**Design/methodology/approach:** analysis and study of scientific literature, analyse of statistics databases, calculation of general insurance market indicators, data comparison.

**Finding:** this research paper includes three main parts: the idea and description on insurance market and its general products; the impact of insurance market to the individuals and their financial security; how insurance products respond to constantly changing social needs of society and business. Through the prospective of social security non-life insurance market may be considered as a significant part of general social system in the country. It can be assumed that insurance completes the function of stabilization, helps to control various types of risks, avoid the financial crisis in the event of unexpected loss. Non-life insurance activity strongly operates on the individual level of society. As the insurance company covers unexpected loss the insured person is able to maintain financial stability. Therefore, non-life insurance market helps to ensure the general level of financial and social protection in the personal or household's level. Moreover, non-life insurance market has a major impact on the business and financial sector. As for nowadays companies, every day they meet new challenges and seek to fulfil customer's needs. Because of constantly changing situation new risk management products and strategies are necessary. They protect business from financial difficulties, enables to offer innovative services and also to control various types of risks.

**Research limitations:** in this paper only example of Lithuania's non-life insurance market is analyzed. It is important and necessary to continue research by accomplishing further empirical analyzis. Moreover, different examples and studies of non-life insurance markets in European Union would be very valuable for the further research as it allows comparing insurance markets, introducing good practices and innovative ideas.

**Practical implications:** the findings of this research are important and useful for non-life insurance companies. It can help to improve a company's approach to innovations

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and establishing new insurance products. Furthermore, this study can provide relevant and significant information for risk managers, product developers or insurance brokers.

**Value:** this research helps to understand and evaluate how important is non-life insurance market is for nowadays society. Not only insurance helps to protect personal assets and financial stability, but more importantly, to ensure fluent, effective and innovative risk management for business.

**Keywords:** insurance; social security; risk management; business risks; financial stability.

**Research type:** research paper

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# PRICE CHANGES AND WAGE DEVELOPMENTS IN LITHUANIA. IS IT POSSIBLE TO IMPROVE THE QUALITY OF LIFE?

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**Abstract**

**Purpose** – to explore the paces of price changes and wage developments in Lithuania.

**Design/methodology/approach –** analysis and synthesis of scientific literature, analysis and comparison of statistical data.

**Originality/Value** – the wage developments and price changes in Lithuania are disclosed and the paces are compared with other EU countries.

**Findings** – according to the statistical data, the pace of price changes is slower comparing with wage developments in Lithuania. Unfortunatelly, the society reacts more sensitive to price changes than wage developments.

**Practical implications** – it is necessary for society to realise that not only the prices of products and services are changing significantly, but the wages develops too. To convert the today's prices into litas does no longer make sense.

**Keywords**: wage developments, price changes, quality of life, corporate social resposibility.

**Research type:** general review

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# CYBERCRIME MEANING AND IMPORTANCE IN THE LEGISLATION OF THE BALTIC STATES COUNTRIES

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## Abstract

While using different new technologies, we are facing not only conveniences and bonuses but also problems and crimes. Every day we use world wide web pages, we leave there our track, our identity data, credit card's data, photos, and another important detail about ourselves and lives. With the growth of the internet usage people are facing a new problem and type of crime that has no limitations and no traditional understanding about location, that problem could reach them everywhere and in every time.
There is no secret that cybercrime has different types and ways of disclosure. There are such kind of cybercrimes as cyberbullying, stalking, bossing, children pornography, fraud, etc. Adults and children do not feel safe during their Internet sessions. And statistical data show us numbers that are only growing. From the time, Latvia is a part of the EU we have different possibilities and strategies to protect ourselves and our data in the internet environment. European Commission provide us with different recommendations and actions regarding to cybercrimes. The main idea and aim of those recommendations is to make people feel safe about them and their children and relatives while using internet.

**Purpose** –analyse the meaning and defending strategy of a cybercrime in the Baltic State legislation. Also, to find an importance of prevention of that cases and main methods of it.

**Design/methodology/approach** – the author of the paper comparing laws that connects to cybercrimes in the Baltic States and come across with differences and common points. As well as the main data of cybercrime in Latvia analysis. Case study of Latvian and Estonian case is shortly reviewed.

**Finding** – as all three Baltic States country are a part of the European Union they have very close to each other meaning and understanding of cybercrimes. Talking about Latvia it is should be pointed out that the number of cybercrimes has a growing tendency that means that this field is still unsafe for the citizens.

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**Research limitations/implications** – the author uses legislation of the Republic of Latvia, Lithuania and Estonia to compare it and different European Union regulations regarding to cybercrimes.

**Practical implications** – the paper has mostly theoretical knowledge that can be used also in practice when dealing with cybercrime problems in the Baltic States.

**Originality/Value** – the problem of cybercrime is quite new for the Baltic States. That also causes a novelty of that paper – finding common and different sides in the three Baltic Countries in the view of cybercrime meaning and importance.

**Keywords:** Cybercrime, Internet, Legislation, Latvia, Baltic States

**Research type:** general review

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# JURISDICTION OF CJEU FROM THE PERSPECTIVE OF INTERNATIONAL LAW

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## Abstract

Very often EU lawyers tend to underline the *sui generis* nature of EU law and take no notice of its evident links with international law (Kassoti, 2014, p. 24). EU legal system does not work in isolation from international law, it is closely intertwined with it. EU is still a regional international organization created on the basis of international agreements of sovereign states. In turn, CJEU is not only a court of "one of a kind" legal order, but also an international court (whereas it is endowed with a jurisdiction to settle disputes between states in accordance with international law (Brownlie, 2003, p. 676).

The primary task of the CJEU is, of course, the interpretation and application of EU law, and not of international law. Nevertheless, CJEU applies sources of international law when solving cases before it. EU is nowadays a major international actor and a party to a multitude of international agreements (Kassoti, 2014, p. 33) According to the case-law of CJEU, international agreements concluded by the EU are an integral part of the EU law and binding on its Member States (*Consolidated version of the Treaty on the Functioning of the European Union, 2016 O.J. C 202/1*, Art. 216(2). In addition, EU Treaties explicitly states that EU shall uphold and promote the strict observance and the development of international law, including respect for the principles of the United Nations Charter (*Consolidated version of the Treaty on European Union, 2016 O.J. C 202/1*, Art. 3(5). EU is thus clearly endowed with the jurisdiction to apply international law.

Two major implications can be drawn from jurisdiction of CJEU towards the sources of international law. Firstly, whereas jurisdiction of international courts and tribunals is normally based solely on the consent of the parties to such jurisdiction, in case of mixed-agreements, EU Member States do not possess any discretion to choose where to settle the dispute. According to the case-law of CJEU all disputes of the Member States arising from the EU agreements can only properly be solved by CJEU.

The second implication concerns the states that are not EU Member States, but are parties to the agreements concluded by the EU. In case such a state becomes involved in a dispute with the EU Member State, could it refer the dispute to CJEU, or should it

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choose other institution? In case a decision is given by specialised institution created under agreement, and not CJEU, could compliace with such a decision by the Member State result in violation of EU law? Should EU Member State still refer to CJEU a dispute with non-EU state?

**Purpose** of the presentation is to analyze the jurisdiction of CJEU with regard to mixed agreements concluded by the EU in case there is a dispute arising from such an agreements involving non-EU states.

**Design/methodology/approach –** document analysis method is used for the research presentation to collect data. The data was processed using synthesis and comparative methods.

**Finding** – CJEU's claim of exclusive jurisdiction over the international agreements concluded by the EU is expansive and contradictory in nature whereas it places CJEU in competition with other tribunals established specifically to solve the disputes concerning the particular agreements. Such a stance of CJEU could result in jurisdictional collisions.

**Practical implications** – CJEU would claim exclusive jurisdiction to interpret all international agreements concluded by the EU, including mixed agreements. In case of a dispute arising out of such an agreement EU Member States would have no discretion in choosing other institution but CJEU, even if the specialized dispute settlement institution is established under agreement and even if the other party is a non-EU state. Non-EU states may thus be involved in the proceedings before CJEU instead of specialized judicial institution established under agreement.

**Originality/Value** – question of how to solve the jurisdictional collisions occurring between the CJEU and dispute settlement institutions established under mixed agreements has not been solved by the legal scholars. The question is particularly problematic if the dispute between EU Member State and non-EU state arise from such an agreement. It is thus worth a detailed discussion.

**Keywords:** adjudicative jurisdiction, CJEU, mixed agreements, jurisdictional collisions

**Research type:** viewpoint

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# CAREER DEVELOPMENT MODELS IN DIFFERENT UNIFORMED SERVICES IN LITHUANIA

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## Abstract

**Purpose.** The purpose of this study was to analyze career development mechanisms in the uniformed services (statutory civil service and national defense system), by identifying advantages, disadvantages of career development systems in the context of emerging challenges to these services, identify connections between successful career development and the sense of social security among service members. Efficient uniformed services[1] need to be able to attract and retain qualified, talented and motivated staff who are able to carry out the tasks and help the organization achieve its strategic objectives. In the public sector of Lithuania the development of human resource management (HRM) has in recent years began adopting career development mechanisms. This is seen as one of the key innovations in the Lithuanian public sector HRM.

**Design/methodology/approach.** The career development analysis of the uniformed services (statutory and military services) was based on 3 career development stages regulated by both statutatory and military regulation. 16 experts – all service members were interviewed for the purposes of this study. Based on the interview analysis of how the career development is applied in the respective services a set of comparative criteria were developed to expand the three stages in the initial regulation overview. The analysis showed that, broadly, the different statutory service regulations result in similar outcomes, therefore the statutory services career development systems were grouped into a single model for comparison with the military service.

**Findings.** Research data showed several important weaknesses of career development mechanism as they are applied in Lithuanian statutory services: lack of sense of social security by service members, insufficient initial training, no clear objective setting mechanisms. However, the military services career development was found to be

[1] NOTE. In Lithuania there are two categories of uniformed services: statutory and military. The military service regulation is completely separate from other public service regulation, while the statutory services regulation (e.g. police, penitentiary, border guard) does overlap with the general civil service regulation, and also the diplomatic service, despite not being a uniformed service in the academic sense is concidered to be a statutory service.

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more advanced and successful than that of statutory services. In military services lack of information about career opportunities and competition among members for access to qualification courses were found to be important issues.

**Research limitations/implications**. This research aimed to view the career development not as a reflected HRM tool, because in this respect the various services have different practices, but through the career outcomes from the perspective of service members themselves. A key implication that we see is that the military service career development instruments are far advanced as oposed to other uniformed services and does demonstrate the benefits of explicit creating career development mechanisms.

**Practical implications**. Comparative analysis of career development mechanisms of the statutory and military services identifies the essential advantages and disadvantages of these systems. For a greater sense of social security, professional military service has achieved more than other services. Therefore, based on the results of the study suggest that social protection directly determines the success of the career development process, its protection may help to improve the career management system, especially in the statutory public service.

**Originality/Value**. Career development in civil service is one of the main HRM functions. However, in the Lithuanian public sector it is still an under-developed area. As more an more institutions move towards creating career development mechanisms we see a need for more evidence on what predicates success of these mechanisms. In the area of the uniformed services there has hardly been any research done on this subject in Lithuania, and comparisons among the different services is also seldom practiced. This means that best-practices have low chances of being transferred within the public service as whole.

**Keywords:** career development, uniformed services, sense of social security.

**Research type:** research paper.

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# EU INVESTMENT COURT AND INVESTMENT POLICY AFTER OPINION 2/15 OF THE CJEU

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## Abstract

Article 207 of the Treaty on the Functioning of the European Union extended the scope of Common Commercial Policy including commercial aspects of foreign direct investment. The European Commission held a view that such provision included all investments and with with such new powers the European Union included foreign investment in the scope of trade negotiations with third countries. One of the novelties in such negotiations was a new investor to state dispute settlement (ISDS) system – a permanent multilateral investment court to decide investment disputes. Such ISDS system was included in negotiations Transatlantic Trade and Investment Partnership agreement, EU-Canada Comprehensive Economic and Trade Agreement as well envisioned in all new EU treaties on investment protection. The proposed creation of such court received criticism from society as well as member states. On 17 May 2017 the full court of CJEU gave its Opinion 2/15 Opinion 2/15 on the EU's powers to conclude the EU-Singapore Free Trade Agreement, whereas it clarified the scope European Commission's competence to unilaterally conclude trade agreements and provided clarification of the scope of Article 207 of TFEU.

**Purpose** of this research is to provide an analysis of the CJEU's arguments in Opinion 2/15, including its implications for the future development of EU investment policy and on proposed EU investment court.

**Design/methodology/approach –** document analysis method was mainly used for the research presentation for the purposes of data collection. The collected data was processed using synthesis and comparative methods.

**Finding** – the CJEU found that the EU had exclusive competence over most of trade and investment issues and shared competence over non-direct investment and ISDS. According to CJEU the ISDS was shared competence because it 'removes disputes from the jurisdiction of the courts of the Member States'. Therefore, such trade agreements that involve non-direct investment and ISDS require ratification form Member states.

**Research limitations/implications** – although the Opinion 2/15 clarified the nature of European Commission's competence to conclude Trade (and investment) agreements and

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the role of Member States, it did not rule on compatibility of ISDS with the Treaties, which leaves it as an open question for future opinions.

**Practical implications** – the Opinion 2/15 clarified the boundaries between shared and exclusive competence of EU in trade and investment agreements. This gives clarity over procedure on conclusion of future EU trade deals and approval process of exiting free trade deals which contain non-direct investment and ISDS, such as CETA

**Originality/Value** – Opinion 2/15 is a very recent decision of the CJEU, which has not been analyzed in detail yet. The present research is an analysis of the CJEU's arguments, including its implications for the future development of EU investment policy and proposal on EU investment court.

**Keywords:** Article 207 of TFEU, Opinion 2/15, EU investment policy, investment policy, EU investment court.

**Research type:** general review

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# THE COMPETENCE-COMPETENCE PRINCIPLE IN COMMERCIAL ARBITRATION: COMPARATIVE ANALYSIS

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## Abstract

**Purpose** – the purpose of this paper is two-fold: first, to analyse the application of the competence-competence principle in three jurisdictions (France, Sweden and England) and, second, to evaluate the application of the competence-competence principle in these jurisdiction *vis-à-vis* the aim to balance the need to give effect to arbitration agreement and legitimacy of arbitration proceedings.

**Design/methodology/approach –** comparative and systematic analysis as well as linguistic and teleological methods were used in this research.

**Finding** – the principle of competence-competence is defined as the cornerstone of commercial arbitration, however, its application differs substantially depending on a jurisdiction. Comparative analysis shows that the extreme applications of a negative effect of the competence-competence principle do not balance, but rather give a priority either to giving an effect to an arbitration agreement or to the legitimacy of arbitral proceedings and these approaches have considerable downsides. The intermediate approach which attempts to balance these two objectives depending on a number of particular circumstances appears to be the most preferred one. For that purpose, legislators while balancing the effect of the negative competence-competence effect use a number of useful means, such as: *(i)* court's *prima facie* review of arbitral jurisdiction *(ii)* different standards of review depending on the nature of challenge (e.g. whether existence or only scope of arbitration agreement is challenged); *(iii)* different standard of review depending on whether arbitral proceedings are or are not commenced.

**Research limitations/implications** – research is limited to the analysis of the main features of the competence-competence principle in three jurisdictions - Sweden, France and England. Although the principle of arbitration agreement's separability is closely related to the competence-competence principle, it is not analysed in this research due to its limited scope.

**Practical implications** – the research and its findings may serve as a basis for or an addition to a further scientific discussion regarding the balanced allocation of jurisdictional competence between a court and an arbitral tribunal. The findings may be

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useful while solving the cases related to the determination of the arbitral tribunal's jurisdiction as well as while considering efficacy of national laws which regulate the matter.

**Originality/Value** – in a number of jurisdictions, including Lithuania, allocation of jurisdictional competence between a court and an arbitral tribunal raises complex questions and is not settled. A comparative analysis of the various approaches is valuable in searching for the most appropriate and balanced approach.

**Keywords:** competence-competence principle, commercial arbitration, arbitral tribunal's jurisdiction, court's review of the arbitral tribunal's jurisdiction.

**Research type:** research paper.

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# TRADE SECRETS BEFORE 2016/943 DIRECTIVE – COMPARISON OF SELECTED INSTITUTIONS IN SELECTED EU COUNTRIES

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**Abstract**

**Purpose** – The main aim of the study is to present the problems of the trade secrets legal framework and to compare it with the arguments put forward by the European Commission when adopting Directive 2016/943.

**Design/methodology/approach –** Comparative review of law system.

**Finding** – The actions taken by the European Commission are reasonable, but their scope may be too narrow.

**Research limitations/implications** – The 2016/943 Directive has to be transposed, so the conclusions may be wrong. Its main reason may be differences in transposition between individual countries.

**Practical implications** – The unification of the trade secret legal framework is important for economic stimulation and competition in the European Union.

**Originality/Value** – There are few studies on the legal framework of trade secrets in the European Union. They are mostly limited to national legal frameworks.

**Keywords:** Trade Secrets, know-how, TRIPS, limitation of claims, .

**Research type:** general review

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Is world really changing as fast as we think? Or is it event changing at all? Social transformations is a delicate topic for researchers. We invited young researchers to look at processes which cause social transformations (or prove the static of societal tradition) in their country and share their findings.

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