

Cezary Kosikowski

FINANCIAL LAW OF THE EUROPEAN UNION

Temida 2, Białystok 2008, 228 pages

The publication reviewed is worthy of attention for a number of reasons. This is mainly due to its, on many levels, innovative nature. First of all, this is a unique item on the scientific publishing market, which comprehensively treats topics of financial law of the European Union. Despite Poland's four-year presence in the EU structures, Communities' finance – with some exceptions – have not so far been subject to in depth legal research (this is mostly Prof. Kosikowski's domain). Economic essays are much more common. Obviously, there are some legal publications which extensively deal with tax harmonization, the Economic and Monetary Union, the European System of Central Banks as well as the single financial market of the EU; but the issues concerning the general budget of the EU, the Union funds or EU law of public finances are in reality discussed to a limited extent. In my opinion, this state of affairs, in the context of Poland's membership in the EU, needs to be improved as soon as possible, and the reviewed book is a milestone in the right direction.

Secondly, at the beginning of the first chapter the author introduces the categorisation – the systematization of EU financial law according to its scope, i.e. what subjects (Communities, member states) comply with legal provisions in the acts under three pillars of the EU. Nobody upholding the doctrine has so far attempted a theoretical review of such systematization except perhaps for the author's previous publication (*Prawo finansowe w Unii Europejskiej i w Polsce, Warszawa 2005*). Prof. Kosikowski suggests a distinction between two areas of financial law of the EU. The first one is the internal financial law, aimed mainly at Community institutions and Communities which themselves constitute separate legal entities. Its scope includes provisions concerning monetary law and the European System of Central Banks, EU finance which consists of, in particular: income (so-called own resources), expenditures, creation of a multiannual strategy of financial and budgetary planning in the EU, EU general budget (including establishment procedures), implementation and control, EU funds and other financial instruments, budgetary discipline, system of financial control, protection of the EU financial interests.

The second area, the external financial law of the EU, includes provisions concerning member and associated states' duty to bring domestic law into line with EU law. Its scope encompasses the following issues: public finance sector, calculation of gross domestic product and gross national income, budgetary convergence criteria, monitoring and preventing excessive budget deficit, tax harmonization, and the single financial market of the EU.

This division (into external and internal financial law) is reflected in the structure of the book. Having discussed the suggested classification in chapter I, the author concentrates on the analysis of particular issues within the two areas of EU financial law. This aspect fully emphasizes the complexity of the publication and is its major asset. Obviously, as it seems, the author's intention was not exhaust all topics (the publication has 228 pages) as, due to extensive and complex subject matter of financial law of the EU, this would be an impossible task - the author repeatedly stresses this. Nevertheless, each chapter contains a concise description of particular issues together with sources – legal acts, literature, case-law of the Court of Justice of the European Communities. Where certain aspects have proven problematic, this is at the very least indicated by the author. The number and the variety of legal Community acts referred to in the book must be commended. The book, in this respect, is of practical value as it enables to find legal provisions in respective fields - such provisions in fact, constitute part of the domestic, binding legal order and which are in many cases directly applicable.

The structure of the publication allows for its comprehensive use in teaching and as a source for lectures, seminars etc., not only in the faculties of Law or Economics, but also in related fields, e.g. in administration or in increasingly popular European studies. In addition, the book was published in two languages – Polish and English, and therefore is perfectly suited for academic classes conducted in these languages. In particular, it is an invaluable research aid for students on scholarships under the LLP – Erasmus scheme. The publication may also be recommended for practitioners and staff, e.g. employees in public administration, legislators, legal advisors and judges, due to direct application of Community law in member states.

There is no doubt that the subject matter of financial law of the EU, undertaken by the author, is a discipline that will be further developed by deepening of the integration processes, either in an objective aspect (regulating new areas of life by Community provisions) or in a subjective one (EU enlargement by new states) although, as it was mentioned before, this is completely underestimated. Therefore, Professor Kosikowski's book is of precursory nature and it cannot be ignored by subsequent publications in this field.

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