

## THE ECONOMIC NETWORK OF THE THREE SEAS REGIONS AS A LEGAL INSTRUMENT OF MACRO-REGIONAL DEVELOPMENT

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**Abstract.** This article deals with the Economic Network of the Three Seas Regions as a legal instrument of macro-regional development. The author, referring to the acquis of administrative law and EU law, highlights new opportunities arising from legal solutions in the field of regional development law. To attain the research objective, the author has analysed the legal prospects of macro-regional development in the Three Seas Initiative area. Based on that analysis, a conclusion has been formulated that the use of network administration processes, which will ultimately lead to establishing the Economic Network of the Three Seas Regions, can serve as a legal instrument fostering regional development in the reference area. While the reference Network will likely intensify international local-government cooperation, it will notably function as an instrument of the European network administration. The development of network administration connected with the Three Seas Initiative will contribute to shaping the sustainable regional development law for that area, covering most of its regions.

**Keywords:** network administration, sustainable regional development law, international local-government cooperation

### INTRODUCTION

The issue of legal aspects of regional development in the macro-regional dimension is not a subject widely discussed in scientific studies. A significant gap in legal sciences can, in particular, be seen as regards the aspects of regional development in the Three Seas area. Literature on the subject-matter contains publications on the Three Seas Initiative, but in the vast part they concern economic [Popławski and Jakóbowski 2020] and political matters [Kowal and Orzelska-Stączek 2019]. It, therefore, appears even more significant to combine legal forms of macro-regional development in the European Union with bottom-up processes emerging as part of the Three Seas Initiative. The purpose of this article is to analyse legal prospects of macro-regional development in the Three Seas Initiative. The research hypothesis is that the use of network administration processes, which will ultimately lead to establishing an Economic Network of the Three Seas Regions, can serve as a legal instrument fostering regional development in the reference area. This research issue will be analysed using the dogmatic legal method as well as, thought to a lesser extent, the historic and legal comparative methods.

## 1. THE THREE SEAS INITIATIVE IN THE REGIONAL DEVELOPMENT PROCESS

The Joint Statement on the Three Seas Initiative was signed in 2015. The signatories recognised “the importance of connecting Central and Eastern European economies and infrastructure from North to South, in order to complete the single European market, given that so far, most efforts served to connect Europe’s East and West [...] Convinced that by expanding the existing cooperation in energy, transportation, digital communication and economic sectors, Central and Eastern Europe will become more secure, safe and competitive, thus contributing to making the European Union more resilient as a whole [...], [they] have endorsed the Three Seas Initiative as an informal platform for securing political support and decisive action on specific cross-border and macro-regional projects of strategic importance to the States involved in energy, transportation, digital communication and economic sectors in Central and Eastern Europe.”<sup>1</sup> The above declaration makes it clear that the establishing of cooperation within the Three Seas Initiative was intended to foster the creation of an integrated regional development concept for the reference area.

One of the major projects implemented within the framework of the Three Seas Initiative involves building Via Carpathia – a transnational highway network connecting two important ports: Klaipėda in Lithuania with Thessaloniki in Greece [Kurecic 2018]. Via Carpathia constitutes the core of the Three Seas Initiative as it will provide transport connections between the Baltic Sea, the Black Sea and the Adriatic Sea. The development of north-south transport networks in Europe is expected to strengthen economic development in this part of the continent. It is worth stressing that the Three Seas Initiative was established as an informal forum with the aim of promoting closer cooperation in the fields of transport, business, digital communication and energy. Attempts to strengthen political bonds and to develop joint macro-regional projects constitute one of its objectives [Górka 2018]. In addition, the Initiative supports the realisation of a vision of truly united and self-sufficient Europe, economically and geopolitically independent of Russia [Zbińkowski 2019]. Of note is the fact that member countries of the Three Seas Initiative “have the sense of separateness which stems from their shared history and communist heritage. Obviously, the Three Seas Initiative member countries cannot compete against the European Union (and they belong to the Community), but the group’s consolidation as regards the idea of international security (within NATO) contributes to the development of the Euro-Atlantic cooperation and integration of its member states around the Three Seas concept” [Wojtaszak 2020]. The factors presented above clearly define the goals to be pursued within the Initiative. It is worth noting that the activities implemented to date

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<sup>1</sup> The Joint Statement on the Three Seas Initiative, 25–26 August 2016, Dubrovnik, <https://www.prezydent.pl/aktualnosci/wizyty-zagraniczne/art,105,wspolna-deklaracja-w-sprawie-inicjatywy-trojmorza.html> [accessed: 16.02.2021].

within the framework of the Three Seas Initiative have been centred around transnational activities taking the form of presidential summits. However, from the point of view of its further development, it seems of utmost importance to foster local-government cooperation at the interregional level.

International local-government cooperation is an essential component of regional development, and it is pursued primarily through cross-border relations (engaging neighbouring regions) and transnational ones (regions that are not immediate neighbours). It is possible to pursue international local-government cooperation in the European Union thanks to Union's mechanisms applying to regional development at the macro-regional level. There are currently no legal instruments dedicated specifically to the international local-government cooperation in the Three Seas Initiative area, which would streamline its functional aspects. However, some initiatives have emerged out of the expanding transnational cooperation in the Three Seas regions, facilitating the development of that international local-government cooperation.

Attention should be paid to the survey results collected from local-government bodies, indicating that "establishing a development strategy for the Three Seas Initiative area, comprising many key issues, including the construction of the Via Carpathia transnational highway network" would be an element indispensable for developing international local-government cooperation [Szewczak, Bis, Ganczar, et al. 2019]. The conducted surveys resulted in launching activities focused on economic cooperation between the Three Seas regions.<sup>2</sup> These activities marked the beginning of the regionalisation process of the Three Seas Initiative which was expected to ultimately lead to creating the appropriate legal instrument.<sup>3</sup> Unfortunately, the ongoing epidemic of SARS-CoV-2 hindered subsequent activities in this field, but the proposed legal solutions eventually took shape, giving rise to creating a tool that was presented to representatives of local-government bodies from member countries of the Three Seas Initiative.<sup>4</sup> The proposed legal instrument strengthening the process of macro-regional development in the Three Seas Initiative area met with approval, its practical implementation depending on the epidemic situation.

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<sup>2</sup> See M. Szewczak, *Prawne formy rozwoju obszaru państw Inicjatywy Trójmorza. Case Strategia Dunaju [Legal forms of development of the Three Seas Initiative member countries]*, a speech given at the conference entitled "Prospects of economic cooperation between the Three Seas Regions", 6 December 2019, <http://irst.lubelskie.pl/aktualnosci/perspektywy-wspolpracy-gospodarczej-regionow-trojmorza/> [accessed: 11.04.2021].

<sup>3</sup> Resolution of the Assembly of the Lubelskie Voivodeship No. XIV/237/2020 of 24 February 2020 on the Lublin Statement on Establishing the Economic Network of the Three Seas Regions (more detail on this instrument is presented later in the article, in Section 3).

<sup>4</sup> See M. Szewczak, *Sieć Gospodarcza Regionów Trójmorza jako instrument współpracy regionów. Perspektywy rozwoju i dobre praktyki [The Economic Network of the Three Seas Regions as an instrument of regional cooperation]*, a speech given at the conference entitled Cooperation between the Three Seas Regions, Lublin, 3 December 2020, <https://congress.lubelskie.pl/konferencja-wspolpraca-regionow-inicjatywy-trojmorza-3-grudnia-2020-r/> [accessed: 11.04.2021].

To sum up, the development of the international local-government cooperation within the framework of the Three Seas Initiative is the core element for the success of both the entire Initiative and individual measures undertaken at the regional level.

## 2. LEGAL FORMS OF MACRO-REGIONAL DEVELOPMENT IN THE EUROPEAN UNION

To date, based on the European Commission data, the implementation process of the following four macro-regional strategies (MRS): the European Union Strategy for the Baltic Sea Region,<sup>5</sup> the European Union Strategy for Danube Region,<sup>6</sup> the Maritime Strategy for the Adriatic and Ionian Seas,<sup>7</sup> and the European Union Strategy for the Alpine Region<sup>8</sup> has engaged nineteen Member States of the European Union Member and nine countries that are not members of the EU.<sup>9</sup> The basis for the functioning of these macro-regional strategies is provided by Article 174 of the Treaty on the Functioning of the European Union which refers to the EU territorial cohesion, to reducing disparities between the levels of development of various regions, and to supporting cross-border regions.<sup>10</sup> The above strategies constitute the EU mechanism of strengthening macro-regional development.

Based on the Commission's report, although "their priorities are shaped according to the specific challenges and opportunities of the relevant regions, all four MRS have three main, broad, interconnected priorities in common: environment and climate change; research and innovation, and economic development; and

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<sup>5</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – the European Union Strategy for the Baltic Sea Region, Brussels, 16 June 2009, COM 2009, 248 final, [https://ec.europa.eu/regional\\_policy/sources/docoffic/official/communic/baltic/com\\_baltic\\_en.pdf](https://ec.europa.eu/regional_policy/sources/docoffic/official/communic/baltic/com_baltic_en.pdf) [accessed: 12.03.2021].

<sup>6</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – the European Union Strategy for Danube Region, Brussels, 8 December 2010, COM 2010, 715 final, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52010DC0715> [accessed: 12.03.2021].

<sup>7</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Strategia the Maritime Strategy for the Adriatic and Ionian Seas, Brussels, 30 November 2012, COM 2012, 713 final, [https://ec.europa.eu/regional\\_policy/sources/docoffic/official/communic/adriatic/com\\_2012\\_713\\_en.pdf](https://ec.europa.eu/regional_policy/sources/docoffic/official/communic/adriatic/com_2012_713_en.pdf) [accessed: 12.03.2021].

<sup>8</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – the European Union Strategy for the Alpine Region, Brussels, 28 July 2015, COM 2015, 366 final, [https://ec.europa.eu/regional\\_policy/sources/cooperate/alpine/eusalp\\_communication\\_en.pdf](https://ec.europa.eu/regional_policy/sources/cooperate/alpine/eusalp_communication_en.pdf) [accessed: 12.03.2021].

<sup>9</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of EU macro-regional strategies, Brussels, 23 September 2020, COM (2020), 578 final, <https://eur-lex.europa.eu/legal-content/> [accessed: 10.03.2021].

<sup>10</sup> The Treaty on the Functioning of the European Union, OJ C 115, 09.05.2008.

connectivity (transport, energy, digital networks).”<sup>11</sup> These priorities are consistent with the of the European Green Deal, complementarily covering also competences related to regional development. These issues, however, are not the underlying objective of this article as our focus is on the legal aspects connected with creating instruments to facilitate governance in the macro-regional development context.

From the point of view of the EU macro-regional strategies, it may prove useful to first analyse the administrative governance process. The governance structure of the EU macro-regional strategies features three levels: political, coordination and implementation.

At the political level, the participating countries are “generally represented by the Ministers of Foreign Affairs and, in some cases, the ministers or authorities in charge of EU funds. Moreover, the role of the rotating presidency is growing in all strategies, as the participating countries realise its importance in driving the strategic direction of the macro-regional strategies. The coordination of the strategies within and between participating countries is done by the national coordinators. Finally, the implementation level is based on the activities of various groups, referred to as thematic, priority, policy steering or action groups, which are the drivers of the day-to-day implementation of action plans at lower implementation levels.”<sup>12</sup> The administrative governance of macro-regional strategies is based on substantial collaboration of action plans and can be considered a model worth transposing into the domain of the Three Sees Initiative, which will not be fully functional without the appropriate administrative governance.

In its report, the European Commission formulated recommendations regarding macro-regional strategies governance. This should focus on: “a) providing strong strategic guidance; b) ensuring coherence between the macro-regional strategies and other territorial/sectorial national and transnational strategies and policies; c) ensuring that all national and thematic macro-regional strategy coordinators are duly empowered and provided with a clear mandate and adequate resources; and d) reinforcing multi-level governance through the effective involvement of regional/local stakeholders, civil society, including young people, in implementing the macro-regional strategies.”<sup>13</sup> Moreover, the Commission suggests providing a technical support structure reflected in supporting rotating presidencies and national coordinators, as well as ensuring coordination within and across individual macro-regional strategies. In particular, the Commission calls for setting up high-level initiatives in the region such as the EU-Western Balkan summits and other regional cooperation initiatives. These would allow for better coordination of regional cooperation.<sup>14</sup> The above-recommendations facilitate multi-level governance while making use of network administration processes.

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<sup>11</sup> Report from the Commission to the European Parliament, p. 3.

<sup>12</sup> *Ibid.*, p. 8–9.

<sup>13</sup> *Ibid.*, p. 12–13.

<sup>14</sup> *Ibid.*, p. 813.

In analysing the governance process of EU macro-regional strategies and their coordination with other regional cooperation initiatives, it is worth stressing the major significance of cooperation with the Three Seas Initiative area. Notably, the geographic area of the Three Seas Initiative greatly corresponds to the four macro-regional strategies implemented in the European Union. This implies that the measures taken with a view to putting individual macro-regional strategies into practice should take into consideration the existence of the Three Seas Initiative, given especially that the objectives assumed by its member countries are at many points consistent with the objectives of these strategies. In addition, work connected with establishing the fifth EU macro-regional strategy – and more specifically the Carpathian Strategy – is now in progress [Grosse 2016]. It seems advisable to consider the combination of the processes launched through the macro-regional strategies with those ongoing within the framework of the Three Seas Initiative. Moreover, the fact that the development of contemporary public administration is also reflected in the emergence of new proposals of macro-regional policy development is also worth noting. One of these concerns transnational clusters which could foster cross-border cooperation by supporting international partners for clusters.<sup>15</sup> This is an element of administrative governance of the entire regional development process. The EU macro-regional strategies are undoubtedly instruments which shape regional development in a tangible way, and their implementation can be complementary to the objectives pursued by the Three Seas Initiative that could, in turn, benefit from some institutional solutions governing the accomplishment of the goals formulated in these strategies.

### 3. THE ECONOMIC NETWORK OF THE THREE SEAS REGION

The development of international local government cooperation depends on the legislation governing it and the processes involved in developing the concept of administrative networks.

Formal and legal regulations shaping the development of international local government cooperation in Polish law have their basis in the Constitution of the Republic of Poland, according to which local government units have the right to join international associations of local and regional communities and cooperate with local and regional communities in other countries (Article 172). In turn, the constitutional authorisation to establish and implement international cooperation by local government units has been implemented in local government system acts<sup>16</sup> and in the Act of 15 September 2000 on the principles of accession of local

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<sup>15</sup> Opinion of the European Committee of the Regions – Macro-regional strategies, such as the Danube: a framework for promoting transnational clusters, 2019/C 404/01 of 29 November 2019, Lex 2021 [accessed: 12.03.2021].

<sup>16</sup> Act of 8 March 1990 on communal self-government, Journal of Laws of 2020, item 713, Act of 5 June 1998 on county government, Journal of Laws of 2020, item 920, Act of 5 June 1998 on province self-government, Journal of Laws of 2020, item 1668.

government units to international associations of local and regional communities.<sup>17</sup>

It is worth drawing attention to an important legal problem, which influences the degree of development of international self-governmental cooperation and its macro-regional approach, namely – the conditions for joining associations. According to the Act, voivodship self-governments accede in accordance with the Voivodship's foreign cooperation priorities, while powiat and gmina self-governments accede in accordance with Polish internal law, the country's foreign policy and its international obligations (Article 2(1–2)). It seems that it would be desirable to introduce as a *de lege ferenda* postulate a statutory obligation to prepare a strategy for the development of international cooperation of a voivodeship. It would replace the Priorities of foreign cooperation of the voivodeship and its scope would oblige not only the voivodeship's self-government but also local governments. The functioning of such a document would organise activities especially in the field of cross-border but also transnational cooperation. The introduction of the above proposal would improve the process of joining international associations by activating self-governments to act in the field of international cooperation. In relation to the analysed legal area, the functioning of the above mentioned strategies would improve self-governmental international cooperation in terms of macro-regional strategies and, at the same time, would strengthen network administration processes in the context of.

Processes involved in developing a new form of public administration, i.e. administrative networks, are clearly distinguishable in the administrative and European Union legal science. The functioning of administrative networks in the European Union results from the processes involved in multi-level cooperation of Union's administration. It is worth stressing that legal basis for such cooperation is provided by the Treaty of Lisbon. More specifically, the Treaty highlights the significance of effective implementation of Union's law by Member States, and administrative cooperation among the Member States, and between them and the Union (Article 197 of the Treaty). Administrative networks function within various areas of EU policies thanks to which they altogether form the European administrative space. It is worth stressing that these networks are among the most innovative and characteristic solutions in the EU administration [Supernat 2016].

The processes fostering network administration in the European Union also relate to issues of its macro-regional development. Diversified networks can be found within the existing macro-regional strategies. In addition, measures taken by the regions with a view to establishing the fifth EU macro-regional strategy – the Carpathian Strategy also exhibit activities related to networking processes.

It thus seems that these administrative networks, in various configurations, form a permanent element of macro-regional development in the European Union. The proposed form of international cooperation of regions, referred to as

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<sup>17</sup> Journal of Laws of 2000, No. 91, item 1009.

the Economic Network of the Three Seas Regions is a *de lege ferenda* postulate which combines two areas. First, the Three Seas Initiative area for with the Via Carpathia transnational highway network acts as a common element. Second, all the countries through which the highway network is planned to run, together with all its branches, belong to the European Union and most are engaged in establishing the Carpathian Strategy. The postulate for creating the above legal instrument arises from the conducted surveys,<sup>18</sup> which have indicated the need of taking measures to this end [Szewczak, Bis, Ganczar, et al. 2019].

Measures to establish a new legal instrument – the Economic Network of the Three Seas Regions are taken by the Lublin Voivodeship Government and cooperating entities.<sup>19</sup> Based on the applicants' assumptions, "the Network's objective will be to pursue cooperation in the field of sustainable and responsible economic development of the countries within the Three Seas Initiative area, oriented towards: a) closing the infrastructure gap in Central and Eastern Europe resulting from economic transformation experience, b) building interregional cooperation constituting a local-government and local component of the Three Seas Initiative, c) acting as an important drive for local-governments based on cooperation and building permanent relationships in the areas of infrastructure, transport, digitisation and innovation, and d) providing a tool for more efficient use of EU programmes dedicated to Central and Eastern Europe, and the Three Seas Fund."<sup>20</sup> The above objectives cover a wide range of processes involved in creating a regional development concept.

It is worth noting that the network initiators refer to historic regulations of international local-government cooperation, claiming that they "intend to cooperate to jointly build the economic power of Central and Eastern Europe based on integrated and coordinated activities aiming at sustainable and responsible development of its individual regions in the European Union. By commencing implementation of the provisions laid down in the Agreement on the construction of the Via Carpathia transport corridor and the Łańcut Declaration, the signatories to this Declaration express their intent and willingness to take measures to establish a stable and durable partnership of the regions situated between the Baltic Sea, the Adriatic Sea and the Black Sea, covered by the Three Seas Initiative."<sup>21</sup>

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<sup>18</sup> These surveys were carried out within the framework of two research and implementation projects: *The Polish-Hungarian model of international self-government cooperation* (2019) and *The concept of Polish-Hungarian local-government cooperation as an instrument of regional development* (2020), conducted by the author of this article.

<sup>19</sup> Resolution of the Assembly of the Lubelskie Voivodeship No. XIV/237/2020 of 24 February 2020 on the Lublin Statement on Establishing the Economic Network of the Three Seas Regions was developed by a team of representatives of the Lublin Voivodeship Government and the Institute for the Development of the Local Government of the Lublin Voivodeship, which the author of this article represents.

<sup>20</sup> Appendix to Resolution of the Assembly of the Lubelskie Voivodeship No. XIV/237/2020 of 24 February 2020 on the Lublin Statement on Establishing the Economic Network of the Three Seas Regions.

<sup>21</sup> *Ibid.*

As can be seen, this is another step in pursuing international local-government cooperation in the analysed area.

The newly-established legal instrument aiming to foster development of international local-government cooperation will comprise a proposal for triangular cooperation, also covering the private and NGO sectors. More specifically, “the parties declare to take joint measures to establish the Economic Network of the Three Seas Regions with its seat in Lublin, and to extend it by inviting new partners representing local governments, economic institutions, universities and other entities based in member countries of the Three Seas Initiative.”<sup>22</sup> The above assumption is consistent with processes accompanying the EU macro-regional strategies intended to shape networking processes with the widest possible scope of application. The Network’s functioning as an instrument will entail building mutual partnerships based on applicants’ declarations, which will lead to “maintaining and establishing multi-dimensional contacts, while the Parties will support one another in developing, implementing and promoting joint projects, including those financed from the EU budget.”<sup>23</sup> Multidimensional partnerships are the underlying added value which stems from transnational regional development, through which they contribute to its sustainable character. It is, therefore, worth stressing that the Network, as a proposed legal instrument, can be considered innovative as there have been no such projects conducted to date.

### CONCLUDING REMARKS

This analysis leads to some crucial conclusions on the regional development of the Three Seas Initiative component and on the establishing of the appropriate legal instrument.

First, attention should be paid to the administrative legal prospects of regional development in the Three Seas Initiative area. If the activities connected with the development of the Three Seas Initiative are moved from the presidential level to the regional level, this will significantly influence the possibility of using legal forms of international local-government cooperation while facilitating performance of joint cross-border projects.

Second, an essential factor is using the prospects offered by international local-government cooperation in the EU macro-regional strategies, and especially in the currently developed Carpathian Strategy [Paruch 2017], which will also partly cover the Three Seas Initiative area. Judging by the previous macro-regional strategies implementation experience, this instrument will significantly influence transnational regional development.

Third, the Economic Network of the Three Seas Regions is an essential instrument of regional development within the framework of that Initiative. It will form part of the network administration, giving rise to an international association

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

of local-government bodies, centred around the Via Carpathia transnational highway network project.

Fourthly, the introduction of a statutory obligation to prepare a strategy for the development of international cooperation of the voivodship, which would be complementary to macro-regional strategies.

The Economic Network of the Three Seas Regions will facilitate the implementation of the macro-regional concept of regional development in the Three Seas Initiative area. It will become an efficient instrument of international local-government cooperation which will make contacts between regions more efficient and easier, while enabling the conduction of joint activities. Activities connected with transnational regional development will constitute one of the key elements of sustainable regional development law.

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