SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

1. First name and surname: Ewa Skrzydło-Tefelska

2. Diplomas held, scientific/artistic degrees with the indication of the name, place and year in which they were acquired, as well as the title of the doctoral dissertation

1975-1979 studies at Maria Curie-Skłodowska University in Lublin (UMCS), Law Faculty

1979 Master's degree finals passed with a first class degree; first class honours degree

1987 Defence of the PhD thesis on: Acknowledgement of a child in international private law, thesis supervisor: Prof. dr hab. Jerzy Ignatowicz - UMCS, reviewers: Prof. dr hab. Andrzej Mączyński – Jagiellonian University (UJ), Prof. dr hab. Jan Winiarz – UMCS, Branch in Rzeszów, and obtaining the PhD degree in Legal Sciences on 16 December 1987

3. Information about previous employment in scientific/artistic establishments

From 1.10.1979, university teacher at UMCS in Lublin, Faculty of Law and Administration, International Public Law Unit, in the position of the Assistant Lecturer;

From 1.10.1988, university teacher at UMCS in Lublin, Faculty of Law and Administration, International Public Law Unit, in the position of the Assistant Professor;

From 1.10.1992 until now, university teacher at UMCS in Lublin, Faculty of Law and Administration, European Community Law Unit (currently the European Union Law Department), in the position of the Assistant Professor.

4. Pursuant to Article 16 (2) of the Act of 14 March 2003 on university degrees and university title in arts (Journal of Laws No 65, item 595, as amended), indication of the academic achievement constituting the author's significant contribution to the development of the given scientific discipline

I would like to present the following as academic achievements after receiving the PhD degree, constituting significant contribution into the development of law as a scientific discipline monographic cycle of publications entitled: Freedom to provide services in the European Union, with particular attention paid to the performance of legal professions.

Cycle of publications entitled: Freedom to provide services in the European Union

The monographic cycle of publications comprises the following scientific papers:

1. *Performance of legal professions in relations between the European Union and Poland*, Annales Universitatis Mariae Curie-Skłodowska, Sectio G Ius, Vol. XLVII, Lublin, 2000, p. 151-164;
2. *Perspectives de la libre circulation des professions juridiques libérales entre l'Union Européenne et la Pologne à la lumière de la reglementation juridique de l'Union Européenne et de l'Accord d'Association avec la Pologne,* Cahiers du Gerse, Nancy 4/2000, p. 1-32;
3. *Free movement of persons and performance of the profession of a notary public in the European Union*, Rejent 10 /2000, p. 173-175;
4. *Performance of legal professions in the light of the case law of the Court of Justice of the European Communities*, Państwo i Prawo, 7/2000, p.71-85;
5. *Free movement of persons in the Association Agreement with Poland (Selected judgments of the European Court of Justice*), Państwo i Prawo, 6/2003, p. 75-88;
6. *Case law of the European Court of Justice* (collective works, edited by Ryszard Skubisz), CH Beck, Warszawa 2003, content-related introduction to Chapter II Nature, institutions and sources, p. 27-40; Chapter IV § 3 Freedom of establishment, p. 135-138 and § 4 Freedom to provide services, p. 147-150;
7. *Commentary to Article 49-55 of the Treaty of the European Community* [in:] Commentary to the Treaty Establishing the European Community, editor: A. Wróbel, T.I, Wolters Kluwer 2008, p. 926-970;
8. *Commentary to Article 56-62 TFEU* [in:] Commentary to the Treaty on the Functioning of the European Union, editor: A. Wróbel, T.I, Wolters Kluwer, Warszawa 2012, p. 929-973.

Discussion of academic objectives of the monographic cycle of scientific papers devoted to the freedom to provide services in the EU:

Freedom to provide services is one of the fundamental freedoms of the single market of the European Union. In the recent years, in the opinion of the European Commission, it has become a leading freedom due to its significant input into the generation of national income by all EU Member States. At the same time, the European Commission perceives the need to

act further for the removal of barriers in the effective implementation of that freedom by all citizens of the European Union and the EU companies, which was expressed in the issuance of the act of secondary law devoted specifically to this freedom – Directive 2006/123 on services in the internal market.

The analysis of principles of implementation of the freedom to provide services by EU citizens and companies constituted the subject of my academic interest from the beginning of Poland's bilateral relations with the European Union, i.e. from the moment of the Association Agreement between the Republic of Poland and the European Union and its Member States, signed on 16 December 1991, coming into effect on 1 February 1994. In the scientific papers published, I analysed in particular the case law of the Court of Justice formulating fundamental principles of interpretation of the EU law in that respect.

The basic publications of the cycle constitute the commentary to the provisions of the Treaty on the Establishment of the European Community with regard to the freedom to provide services, and the commentary issued in 2012 to provisions of the Treaty on the Functioning of the European Union devoted to this freedom. Those commentaries exhaustively discuss the entirety of issues with regard to the freedom to provide services and they include: history of treaty regulations concerning the freedom to provide services, systemic issues on distinguishing the freedom to provide services from other freedoms of the EU internal market, the definition of a service in the EU law, content of the freedom to provide services, its scope *ratione personae* and *ratione materiae*, permitted exclusions and limitations of freedom. They also indicate the role which is met by secondary law acts and case law of the Court of Justice of the European Union in demarcating boundaries of that freedom.

In the commentaries mentioned, I discuss the freedom to provide services by referring to the definition of service which the TEC and then TFEU stated as the provision against payment, temporary and cross-border. The notion of provision of services against payment in the EU law is not tantamount to the same term used in the internal law of Member States. The requirement of provision of services against payment may also be met where not the service recipient itself pays for the service but the service provider receives the fee due for the provision of the service from another entity, e.g. instead from television programme viewers, the broadcaster receives remuneration for its service in the form of broadcasting a television programme from advertisers placing their adverts in that broadcaster's programmes.

The temporary nature is understood in the case law of the CJEU as a predefined time frame in which the service provider conducts service activity abroad. Unlike in the case of the

freedom of establishment, under the freedom to provide services the service provider migrating to another Member State has no intention of forming a permanent bond with the economic life of the receiving state. His stay in that country has a predefined beginning and end. It does not mean, however, that for the duration of pursuing the freedom he cannot be equipped with the necessary infrastructure in the receiving state, with the size of the infrastructure nevertheless adapted to the scope of service activity pursued. The obligation to prove that the extent of that infrastructure is justified by the scope of the activity conducted rests with the service provider.

The cross-border character of services benefitting from the protection of the EU law is understood in various ways, thanks to its interpretation by the CJEU. Firstly, in accordance with the provisions of the TFEU, the freedom to provide services consists in the service provider, conducting activity in the state of origin travelling to the receiving state in order to provide services there. Secondly, despite the fact that it does not arise directly from the provisions of the TFEU, the freedom covers also the travelling of the service recipient to the state in which the service provider conducts its activity in order to use the service. Additionally, the CJEU developed also a position accepting the phenomenon of the cross-border movement of the service itself (thanks to technological means of communication) as the provision of service, as well as the situation in which the service is provided by an entity originating from one Member State to an entity originating from another Member State, but within the territory of a state to which none of those entities belongs. The circumstance common for all of those forms of freedom to provide services is the fact that the service provider and the service recipient belong to two different EU Member States.

The systematic disquisition concerning the freedom to provide services, contained in the commentaries, analyses also differences between individual freedoms of the internal market. In accordance with Article 57 of the TFEU, it is not possible to evaluate the facts of an EU nature from the point of view of more than one freedom. The current case law of the CJEU, however, indicates (judgment in case of *Fidium Finanz*) that contrary to the views represented in the doctrine so far, on the ancillary nature of the freedom to provide services in relation to other freedoms, this freedom is at least equal or maybe even leading in relation to other freedoms.

However, if it is not possible to jointly apply provisions of the TFEU concerning individual internal market freedoms, it has become necessary to explicitly differentiate between facts covered by the area of individual regimes. The identification of principles of differentiation between the freedom of establishment and the freedom to provide services by

the CJEU (case of *Gebhard*) was of particular relevance. Contrary to the views presented earlier, the correct criterion differentiating between those two freedoms is not, as described above, the migrating service provider becoming equipped with appropriate infrastructure in the receiving state, because it may just as well be created by a service provider benefitting from the freedom to provide services. The deciding criterion is the criterion of time, which in the case of the freedom of establishment is unlimited and involves the intention to remain permanently in the receiving state. However, in the case of the freedom to provide services, it refers to a predefined period of provision of the specific service in the receiving state. For that reason, because the stay of the service provider providing the service in the receiving state is short, the service provider is not obliged to register his business or conduct proceedings in order to have his professional qualifications recognised because he temporarily conducts business in the receiving state under the professional title of the state of origin. The service provider, in turn, by pursuing the freedom of establishment in the receiving state, should conduct all formalities required in the receiving state from entities belonging to the receiving state. This is required by the principle of national treatment which guarantees the treatment no worse than that provided to locals. This means the need to register establishment and obtain a permit or licence to conduct the specific activity if such conditions must be fulfilled by domestic entities undertaking activity in the given field. In the case of the freedom of establishment, it is also necessary to conduct the procedure to recognise professional qualifications.

The elements distinguishing the freedom of movement of goods from the freedom to provide services are the notions of goods and service, key for those freedoms. The definition of service has been discussed above. Goods, however, are items with a property value which may constitute the subject of a legal trade. These differences are best illustrated by a situation in which a television programme is broadcast across the border, and at the same time the same programme is transported from one Member State to another in the form of a video cassette or DVD recording. in the first case, we are dealing with cross-border provision of broadcasting services, whereas in the second case the cassette or DVD with the recorded programme constitute goods which are subject to the free movement of goods. The CJEU has repeatedly confirmed in its judgments that cases where the facts display characteristics specific both for the free movement of goods and freedom to provide services, the most important elements should be searched for, which will enable one to answer the question: which of the freedoms are the facts more closely connected with (cases of *Schindler, Omega*).

In the case of the free movement of workers, there are two types of factual situations which require the distinction between that freedom and the freedom to provide services. Firstly, it is a situation where a citizen of another Member State migrates to the receiving state in order to undertake professional activity there. Determining the characteristic features of that activity makes it possible to distinguish those two freedoms. In the case of the free movement of workers, the person who is a worker conducts activity in the place indicated by the employer, under the employer's management and in accordance with the employer's guidelines, and receives remuneration from the employer. However, natural persons benefiting from the freedom to provide services must meet conditions allowing their acceptance as service providers. Thus, they should prove that they decide of the type of activity conducted themselves, and that during the performance of the service, they are not subject to anyone's management or guidelines. They conduct activity at their own responsibility, they determine the amount of remuneration due themselves, and receive it personally (the case of *A.M. Jany* and others).

More complicated problems arise in the case where the service provider, under the provision of services in the receiving state, moves its employees to that state. The decision on whether those persons have the status of migrant workers and are subject to free movement of workers has a decisive impact on which law will affect the determination of the terms of employment: the law of the state of origin of the service provider or the law of the state in which the work is actually performed. The CJEU, in the case of *Rush Portuguesa,* confirmed that the situation of workers delegated under the provision of services is subject to evaluation from the point of view of freedom to provide services because migrations of workers are strictly related to services provided. However, the CJEU admitted at the same time that important terms of employment, such as the amount of remuneration or principles of holiday leave award and its duration should be assessed in accordance with the law of the state in which the service is provided. There is a possibility of evaluating the terms of employment of the delegated workers in accordance with the law of the state of origin only in the case where the stay of delegated workers in the receiving state is shorter than one month, or the scope of work to be performed is small. This position of the CJEU affected the shape of Directive 96/71 on delegation of workers under the provision of services, the provisions of which incorporate the decision of the CJEU in the case of *Rush Portuguesa*. The Service Directive, however, excluded issues concerning the delegation of workers under the provision of services from its scope. Thus, provisions of Directive 96/71 remain in force.

The differentiation between the freedom to provide services and the free movement of capital is of utmost importance for the reason that the scope *ratione personae* of those freedoms is different. Only entities from Member States may benefit from the freedom to provide services, whereas free movement of capital is also available to citizens and companies from third countries. In the case of *Fidium Finanz,* the CJEU ruled that activity consisting in cross-border granting of loans via the Internet constitutes pursuing the freedom to provide services and not free movement of capital. As a result, a company originating from Switzerland and providing loans via the Internet within the territory of Germany provided services in that country and was not, as an entity from outside the EU, subject to the protection of provisions concerning free movement of capital.

Regimes of freedom to provide services and free movement of capital and payments compete with each other also where the transfer of cash to the receiving state takes place in order to pay for the service. In the judgment in the case of *Bordessa*, the Court decided that even if the movement of cash constitutes a payment for a service, such operation is subject to the provisions of free movement of capital.

The scope of the freedom to provide services *ratione personae* comprises natural persons being citizens of the member states of the EU and conducting in one of the member states economic activity as well as EU companies in the meaning of art. 54 TFUE. Until today the Council and the European Parliament did not use their authorization to pass legal acts extending the scope of the freedom to provide services to nationals of third countries. In case of service recipients the scope of the freedom comprises also persons originating from states that are not members of the European Union, but staying in the EU in accordance with the rules of the EU law.

The scope of the freedom to provide services *ratione materiae* shall be understood as a guarantee for the service providers and service recipients migrating to the host state that they will be treated in this state in accordance with the rule of national treatment being equal to the prohibition of discrimination. Prohibition of discrimination concerns both access for foreigners to provision of services and operation as a service provider in the host state. It is important to underline that the rule of national treatment shall be understood in a different manner in case of freedom to provide services and in case of right of establishment. In its judgment in the case *Van Binsbergen* the Court of Justice of the EU decided that it is not compliant with the EU law to request the service provider, in this case a practicing lawyer representing his client before the court, to be domiciled in the state when the court case is pending. Such requirement, in the opinion of the Court of Justice of the EU, is in

contradiction with the essence of the freedom to provide services which is based on the assumption that the service provider is temporarily providing services in the other member state of the UE than its state of origin where he is permanently conducting his economic activity. On the other hand the Court of the EU ruled that it is in compliance with the EU law when the state is discriminating its own citizens in comparison with the migrating foreigners (case *Klopp*).

It was established in the case law of the Court of Justice of the EU that the scope of freedom to provide services covers equally the prohibition of applying limitations in relation to migrating service providers. Prohibition of applying limitations should be understood as the interdiction imposed on member states to undertake activities, both in the form of legislative acts and in practice, which would result in making provision of services less attractive for foreign service providers in comparison to the rules applied towards own citizens of the host state. Prohibition to apply limitations imposes on the members states the obligation to avoid enactment of such provisions that *prima facie* treat citizens and migrating foreigners on equal grounds but in fact discourage foreigners to operate in the host state as service providers. Examples of the provisions making provision of services by foreigners less attractive are: creating obstacles or making more difficult acquisition or rent of buildings and apartments by foreigners, obligation to deposit a bond to secure potential future claims of consumers damaged in result of service rendered by foreign service provider and obligation to demonstrate that the qualifications necessary to provide services were obtained in the host state. Application of measures restricting freedom to provide services may be in some cases authorized (case *Must Carry*). Namely, application of such measures shall be justified by general interest. However, it should be stressed that measures applied when protecting general interest must be aimed directly at achieving such legal interest, be proportionate to this end and respect supervision over the service provider performed by his state of origin.

In any case within the frames of freedom to provide services it is not necessary to get the professional qualifications obtained in the state of origin recognized in the host state. It is motivated by the fact that, in contradiction to the freedom of establishment, service provider exercising freedom to provide services is conducting his activity in the host state under the home title, and consequently there is no risk of misleading consumers as to his professional qualifications.

It should be stressed that provisions of Treaty on Functioning of the EU governing freedom to provide services are directly applicable, which means that entities suffering

discriminatory treatment in the host state may rely directly on the Treaty provisions when making claims before courts and other state organ applying legal rules in the EU.

To conclude, it should be emphasised that there are permitted restrictions and exclusions of the freedom to provide services. These arise directly from the provisions of the TFEU, i.e. Articles 51 and 52, applied to the freedom to provide services pursuant to Article 62 TFEU.

In other scientific papers, I analyse the issues related to exercising freedom to provide services by lawyers *(Performance of legal professions in relations between the European Union and Poland*, Annales Universitatis Mariae Curie-Skłodowska, Sectio G Ius, Vol. XLVII, Lublin, 2000, *Free movement of persons and performance of the profession of a notary public in the European Union*, Rejent 10 /2000, *Performance of legal professions in the light of the case law of the Court of Justice of the European Communities*, Państwo i Prawo, 7/2000). These are problems interesting both from the theoretical and practical point of view. First and foremost due to the exhaustive regulation of the cross-border provision of services by lawyers in the EU secondary law acts, and the extensive case law of the CJEU with regard to that issue. EU regulations concerning the cross-border pursuance of legal professions consist of two acts: Directive 77/249 with regard to temporary exercise of the legal profession in the receiving state and Directive 98/5 with regard to conducting permanent professional activity by lawyers in the host state.

Due to the long-term academic cooperation with the European University Centre in Nancy, from mid-1990s, I devoted one of the papers concerning the problems of provision of legal services in the EU specifically to the performance of legal services during the period of association between Poland and EU in Polish-French relations (*Perspectives de la libre circulation des professions juridiques libérales entre l'Union Européenne et la Pologne à la lumière de la reglementation juridique de l'Union Européenne et de l'Accord d'Association avec la Pologne*, Cahiers du Gerse, Nancy 4/2000).

Published in 2003 collection of translated fundamental judgments of the CJEU together with the commentary entitled *Case law of the European Court of Justice* (collective works, edited by R. Skubisz), CH Beck, Warszawa 2003 comprises translations of the most important judgments of the Court of Justice of the EU (then EJC) in particular fields of the internal market and discussing institutional problems. In this collection I prepared independently introductions to three chapters, including the chapter on freedom to provide services in the EU and prepared as well the translation of the verdict in the case Gebhard with the commentary. This publication constituted the first set of translations of the most important judgments of the

Court of Justice published in Polish, used extensively by all bodies applying the EU law in Poland.

Published in 2003 article entitled *Free movement of persons in the Association Agreement with Poland (Selected judgments of the European Court of Justice*), Państwo i Prawo, 6/2003 conducts critical analysis of the judgments rendered by the Court of Justice in cases concerning Polish citizens. Article underlines the differences in interpretation of the most important terms of the EU law related to freedom of establishment and freedom to provide services, depending on the legal text where theses terms were actually used: in the Treaty on Association or in the fundamental treaties of the European Union.

5. Discussion of other academic achievements

(a) Papers concerning protection of intellectual property rights in the EU

1. Means of customs protection of intellectual property rights [in:] Private Law System, vol. 14B, editor: R. Skubisz, Publisher: Beck, Warsaw 2012 , chapter 51, p. 1455-1525;
2. Commentary to judgments 33-34 [in:] Industrial property. Case law of the Court of Justice of the European Communities, Court of First Instance, and internal market harmonisation office with commentaries. Editor: Ryszard Skubisz. Warsaw 2008, Wolters Kluwer, p. 600-628.

Discussion of objectives of scientific papers concerning protection of intellectual property rights in the EU

The first paper constitutes my independent contribution to the Private Law System in the form of the chapter devoted to customs protection of intellectual property rights. The issue of customs protection of intellectual property rights was the subject of many subsequent EU secondary law acts. Regulation 1383/2003 currently in force is to be replaced by a new act in the nearest future. This new act will not modify the substantial rules of customs protection.

Besides EU law, acts of international law (TRIPS) and national law of individual Member States also concern the issues of customs protection of intellectual property rights. The paper discusses regulations contained in individual types of legal acts devoted to these problems, and considers mutual relationships between individual types of sources of law.

From the point of view of application of provisions of Regulation 1383/2003, determining which intellectual property rights are protected under that regulation is of key importance. These include the ever-increasing catalogue of rights from patents, additional protection certificates, to trademarks, industrial designs, names of origin and geographical names, to copyright. Both industrial property rights awarded at the national level and rights awarded within the EU are protected.

The tasks of customs bodies under customs procedures mentioned in Article 1 (1) of Regulation 1383/2003 include retaining goods raising doubts as to whether they do not infringe intellectual property rights. Those actions are undertaken by customs bodies both *ex officio* and at the request of the holder of the right.

It is important to determine which goods are covered by the scope of operation of customs bodies. First of all, the Regulation regulates activities of customs bodies undertaken against pirated and counterfeit goods, but also goods infringing other industrial property rights. However, original goods, imported without the consent of the eligible entity, goods manufactured in conditions other than those agreed with the eligible entity, and, as a rule, goods contained in the personal luggage of passengers are excluded from the scope of the Regulation. On the other hand, goods in transit raise particular controversy. Extensive case law of the CJEU has been created in that respect, indicating the specific situation of goods in external transit. These are not covered by the scope of the Regulation, unless the factual circumstances indicate that the intention of their holder is to introduce those goods for trading within the territory of the EU. The transit within the EU, however, is not subject to means of customs protection provided for in the Regulation for that reason that they are applied only on the external borders of the EU. In trade between Member States no activities are undertaken against goods transported on borders due to the fact that the area constitutes a customs union.

Goods are stopped on the border by customs authorities only after their actual status is clarified. The holder of rights has a very short period of time (as a rule, 10 days) to demonstrate that measures have been implemented in order to prove that the goods stopped infringe the holder's intellectual property rights. Therefore, it must be explained which evidence of such activities being undertaken, submitted to customs bodies, enable those authorities to suspend the admission of the good seized to free trading. Undoubtedly, due to the very short period which the right holder has to present evidence that appropriate proceedings have been undertaken, these cannot be final decisions of competent authorities with regard to the infringement of such rights.

The second publication in the cycle concerning protection of intellectual property rights in the EU are my independent and self-prepared commentaries to decisions issued by the OHIM Boards of Appeal in cases of reputable trademarks. The Office for Harmonization in the Internal Market is a body appointed to provide protection to industrial property rights, the scope of which covers the entire territory of the EU. The first rights awarded at the EU level were Community trademarks. The introduction of such rights was to contribute to further deepening of the internal market due to the removal of the obstacle in the free movement of goods which was the principle of territorial protection of trademarks.

The rulings of OHIM with regard to trademarks have a significant impact on the judgments of Polish courts and the Patent Office in cases concerning protection of trademark rights.

Reputable trademarks constitute a special group of trademarks, standing out among principles regulating the protection of other trademarks. In accordance with the judgments of OHIM and EU courts, these are trademarks known to a significant part of relevant buyers thanks to their long-term and intensive use within the territory in which they enjoy extended protection. Such trademarks are protected not only for the protection of consumers against the risk of misleading them as to the origin of goods, but first and foremost due to the need to protect the considerable investment made by the trademark owner in its promotion. For that reason, for the protection of a reputable trademark the risk of misleading resulting from the similarity of the trademark of the infringing party to the reputable trademark is not required. It is sufficient that those trademarks are similar to a degree leading to the association of the later trademark with the earlier reputable trademark. The infringing party may defend itself from the claims of the owner of the reputable trademark by pointing out that there is a justified reason for which the use of the later trademark is not unlawful, or claiming that the use of the later trademark does not damage the reputation or distinguishing capacity of the reputable trademark nor does it lead to that party gaining unjustified benefits.

(b) author or co-author of scientific publications in journals included in the *Journal Citation Report (JCR)* database or the list of the *European Reference Index for the Humanities (ERIH)*

Such papers include the discussions of the case law of the Supreme Court and the Constitutional Tribunal published in the years 1991-2000 in Polish Yearbook of International Law, concerning matters of international public and private law. The period

of system transformation in Poland brought the need for redefinition of the previous approach to the application of international law by courts. For that reason, the review of the case law of the Supreme Court and the Constitutional Tribunal in a journal published in a foreign language and available abroad constituted often the only source of knowledge about the observance of international agreements to which Poland was a party by Polish courts. This was particularly important especially before Poland's accession to the EU.

(c) other scientific publications

- on private international law

The basic publication in this respect is the version of my doctoral thesis on the *Acknowledgement of a child in the international private law*, adapted to publishing requirements, published by Ossolineum in 1990. The thesis was written mainly on the basis of international literature, including in particular French literature, as the result of the academic internship at Paris II University. It refers to the then latest trends of development of the international private law. An article concerning governing law for the voluntary acknowledgement of a child in the Polish international private law (*La loi applicable à la reconnaissance volontaire d'enfant en droit international privé polonais)*, published in the French journal *Droit de l'enfance et de la famille,* concerns similar issues. These problems are also mentioned in the article published in 1988, discussing new rules of conflict of laws in selected European countries with regard to the acknowledgement of a child.

- on family law

The achievements in this respect in clued two articles discussing legal problems occurring in relation to the functioning of family children's homes. The work published in French, *La Convention des Droits de L'Enfant du 20 Novembre 1989 - ses implications en droit international et en droit interne polonaise* also concerns the issues of protection of children's rights.

Problems of family law are also discussed in the article entitled *Holder of the civil status of a child in French family law and international private law*, published in PiP (1987), and the commentary to the resolution of the Supreme Court of 10 August 1998, III CZP 67/88, concerning the revocation of a donation.

- on application of the EU law

This part of my scientific interests resulted in scientific papers with the most varied contents. They include my independent work, an extensive paper concerning system foundations of the EU, published in the collective paper entitled "*Constitutionalism in the contemporary world"*. This was one of the first scientific papers which were published in Polish and discussed comprehensively the institutional structures of the European Communities.

The article written together with R. Skubisz on *Binding of the national court by the judgment of the European Court of Justice of the European Communities, issued pursuant to Article 234 of the Treaty on the European Community*, concerned the problems of the prejudicial case law of the CJEU. My contribution to this article consisted of 50 % work on research in legal literature and jurisprudence and 50% in editing.

Problems of the functioning of the EU internal market are discussed by two articles. The first one is devoted to the *Food law in the EU*, i.e. this field of EU regulations which significantly affects the safety of consumers thanks to the fact that it organises among other things the rules of labelling food products. The second publication is an article evaluating national goods promotion programmes in the context of free movement of goods. This problem became particularly important after the accession of Poland to the EU, when the European Commission questioned the programs like "Teraz Polska" which were successfully realized in Poland.

Together with R. Skubisz, I prepared and published an article on the *Internal effectiveness of the EU law in the context of functioning of companies with the participation of foreign entities.* My contribution to this work amounted to 50% and concerned in particular analysis of the problem of the concept of application of international and EU law in the Polish legal system in the historical perspective.

- legal problems related to the occurrence of diseases threatening public health

The paper prepared by myself and presented at the conference in Paris, on the legal problems related to AIDS *(Les problemes juridiques du SIDA en Pologne)*, was then published in a collective book entitled *Droit et SIDA. Comparaison Internationale.* The paper presents in a synthetic way the legal problems caused in many fields of Polish law by the occurrence of this dangerous disease.

- nomenclature of Treaties

From the beginning of Poland's participation in the European integration structures, I have been the author of various papers concerning translations of texts of the EU primary legislation. I participated in the development of the glossary of terms of European Treaties: French, German, English and Polish, which for the first time created the European Community law terminology in the Polish language. Within the frames of this publication I prepared myself translation into Polish of 10% of all the translated terms.

Since 1994, together with A. Przyborowska-Klimczak, I have been publishing subsequent versions of the European Documents constituting translations of current versions of the EU primary legislation together with the appropriate introduction explaining the rules of functioning of the European integration structures and application of the EU law. Today the publication comprises six volumes and enables one to follow the development of the European Integration from the historic point of view. Texts of Treaties are supplemented with protocols and annexes to individual acts modifying the primary legislation. My contribution to each issue consisted in preparation of 50% of the introduction and 50% of the translation or its verification.

- textbooks

I am the co-author of two textbooks on the EU law. The first two-volume textbook was edited by J. Barcz and was published on the national scale. My independent contribution concerned the preparation of chapters concerning: EU financing principles, external relations of the EU, and freedom to provide services.

I participated in the preparation of the second textbook both as the editor (50% of this work and 50%by R. Skubisz) and the co-author. I prepared myself independent part of the chapter concerning sources of the EU law and independent chapter on freedom to provide services.

6. Management of international or national research projects or participation in such projects:

(a) The UMCS Department of EU Law received the title of the Chair Jean Monet as the first one in Poland. This means that for three years during the period 1993-95 it was financed by the EU with regard to the purchase of books necessary to develop lectures and classes on EU law and it conducted pioneering classes on the scale of the entire country, discussing European Integration problems.

(b) For a period of subsequent three years, the Department of EU Law participated in the COCOP programme financed by the French Ministry of Foreign Affairs. On the Polish side, I managed the programme myself, on the French side its beneficiary was the University European Centre of the Nancy II University, represented by its Director, Prof. J-D. Mouton. Thanks to the programme, many seminar students and employees of the Department of EU Law obtained the Master and DESS diplomas in EU law. From the beginning of cooperation until today I have been conducting monographic classes in French in the European Centre in Nancy, devoted to the freedom to provide services.

(c) In cooperation with the European Centre in Nancy, I have been the manager of two subsequent editions of the POLONIUM programme, covering the exchange of academics of both institutions in order to conduct classes and research on selected problems of the EU law. The current edition of the program POLONIUM for the years 2012-13 is entitled *Safety of food products in the context of freedom of movement of goods.*

7. International or national awards for scientific activity

The doctoral thesis on the Acknowledgement of a child in the international private law received a distinction in the competition of Państwo i Prawo.

8. Papers presented at thematic national or international conferences

1994 – Paris – conference entitled Droit et Sida. *Comparaison Internationale*, paper entitled *Les problemes juridiques du SIDA en Pologne;*
2004 – Paris – Conference organised by LES International – paper on: *Various Aspects of Protection of Industrial Property Rights in Poland After Accession to EU*;
2004 – INTA Forum in Prague – paper on: *Consequences of the accession of Poland to the European Union on enforcement of intellectual property rights, with special emphasize on trademarks;*

2005 – Warsaw – Conference organised by the National Broadcasting Council (KRRiT) – two papers on: *Provision of non-linear television broadcasting services in judgments of the ECJ* and *Product placement in Polish law*;

2006 – Warsaw – Pharmacy 2006 – paper on: *Legal aspects of contacts of pharmaceutical companies with the medical circles;*

2006 – Indianapolis – paper on: *Patent Protection of Inventions on Chemical Preparations Within the Frames of Court Litigation;*

2007 – Los Angeles – Trademark Administrators Conference – paper on: *International Trademark Use;*

2007 – Warsaw – Food Supplements – paper on: *Marketing of food supplements in the light of Polish and European regulations. The correctness of implementation*

2007 – Warsaw – Law and ethics in pharmacy marketing – paper on: *Advertising directed to professionals;*

2009 – Warsaw **–** Conference organised by the Patent Office of the Republic of Poland – paper on: *Customs protection of industrial property rights*;

2010 – Paris, Association Internationale pour la Protection de la Propriété Intellectuelle (AIPPI), paper on: Information *claim in Polish law – implementation of Directive 2004/48;*

2011 – Warsaw – Workshop – Patents – Innovative versus generic medicines – Case study on : *information claim and securing evidence in cases related to infringement of patents and other industrial property rights.*

2012 – Gródek n/Dunajem – Conference of Chairs of EU law organized by Jagiellonian University, European Union law and constitutional law of the Member States.

Annual participation in the International Trademark Association conference (since 2005)
Annual participation in the Global Advertising Lawyers Alliance conference (since 2004)

9. Internship in foreign or national scientific or academic centres

1980	Lock Heaven University, Pennsylvania, USA, student exchange, 4 months
1985	The Hague Academy of International Law, Summer School of International Law, 3 weeks
1986	Université Paris II, scientific internship, 9 months
1988	Centre Nationale pour la Recherche Scentifique (CNRS), scientific internship, 9 months

1993 EAST _WEST Forum, Florence, Italy, 3-weeks scholarship for university teachers if EU law organized by the European Commission

1995 until now – trips to the European Centre in Nancy, 1 week every year/every two years

10. Participation in expert and competition teams

Before Poland's accession to the EU, I was an expert of the Committee for European Integration. I prepared numerous opinions concerning the assessment of Polish law in terms of its compliance with EU law.

From 1999 to 2006 I was an expert acting as of *counsel* in the law firm Sołtysiński Kawecki & Szlęzak in Warsaw, mainly with regard to European law, law of foreign investments, and industrial property law.

From 2006 I have been a partner in that law firm, managing the practice in terms of EU law, *life sciences* and industrial property law.

My duties included preparing opinions concerning the application and implementation of EU law in Poland for state authorities. I represented the Republic of Poland in investment disputes before international arbitral courts.

I am an expert in the trademark law in the Famous & Well-Known Marks Committee of INTA (International Trademark Association).

I have been elected the Chairperson of the European Section of the Global Advertising Lawyers Alliance for the years 2014-2015.

Podpis Wnioskodawcy