

Curriculum Vitae



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WORK EXPERIENCE:

From May 2019 Associate Professor, Faculty of Law, UiB
(EU/EEA Competition and market law).

February 2016 – May 2019 Postdoctoral researcher, Faculty of Law, UiB

Project «Towards more stability, competitiveness and predictability in the financial sector», financed by the Norwegian Financial Markets Fund (Finansmarkedsfondet - <https://www.finansmarkedsfondet.no>).

November 2015 – February 2016 Associate Professor, Faculty of Law, UiB.

August 2016 - December 2017 Member of the Norwegian Government's external expert group «På like vilkår», (On a level playing field), clarifications concerning the Norwegian rules governing the public sector,
Report: <https://www.regjeringen.no/no/aktuelt/ny-side/id2587387/>

June 2014 – May 2015 Research fellow, Faculty of Law, UiB.

Project «The problem of objectives pursued by the state under the application of the Market Economy Investor Principle», part of the project concerning competition and market law issues raised by modernizing the public sector; financed by the Norwegian Research Council (NFR), Faculty of Law, UiB.

October 2009 – May 2014 PhD Research fellow, Faculty of Law, UiB.

Doctoral thesis: «The Applicability and Application of the Market Economy Investor Principle». The thesis was awarded prize for the best PhD thesis concerning EU/EEA State aid rules written in the period 2012-2016 and was published by Wolters Kluwer as part of the International Competition Law Series in 2016.

01. March 2009 – 30. September 2009 Legal adviser, Law firm Schjødt DA, Brussels office.

01. October 2008 – 28. February 2009 Blue Book Stagiaire in the European Commission's Directorate-General for Competition, DG COMP, State aid unit, Brussel.

EDUCATION:

Ph.D. 2015 – Law Faculty, UiB: «The Applicability and Application of the Market Economy Investor Principle».

- M.A. 2007** - Faculty of Law and Administration, Nicolaus Copernicus University in Torun, Poland, title of the thesis: «The general principles of administrative law».
- M.A. 2005** - Faculty of Political Sciences and International Studies, Nicolaus Copernicus University in Torun, Poland, title of the thesis: «Norway and its relations with the EU – an analysis of the two referenda on the EU membership».

COURSES:

- 2010** German language, level A2.2, Goethe Institute in München.
- 2008** 60 ECTS master thesis, Faculty of Law, UiB, grade: A.
- 2006-2007** Erasmus student, Faculty of Law, UiB, Courses: «Public procurement» and «Competition law» (grades: As).
- 2006-2007** «Norwegian language and culture for foreign students», Sydneshaugen skole, UiB (30 ECTS), level equal to Bergenstesten (C1), grades: As.
- 2003-2005** Pedagogical course, Faculty of Pedagogy, Nicolaus Copernicus University in Torun, Poland.

PRIZES, AWARDS AND SCHOLARSHIPS:

- 2019 **SPIRE – University of Bergen’s Strategic programme for international research cooperation – Project: EU/EEA rules on State aid and taxation.**
- 2017-2018 Participant in the first edition of «**Momentum – Career Development Program for Young Researchers at UiB**», (one of 15 selected participants from UiB).
- 2016 **Prize for the best PhD thesis concerning EU/EEA rules on State aid written in the period 2012-2016 – European State Aid Law Quarterly PhD Award**
- 2012 **Scholarship from L. Meltzers Høyskolefond**
- 2011 **Scholarship from L. Meltzers Høyskolefond**
- 2011 **Scholarship from Ruhrgas - E.ON-scholarship in economics, law and social sciences (IS-RUHR)**
- 2010 **Scholarship from L. Meltzers Høyskolefond.**

SCIENTIFIC PUBLICATIONS:

a. PhD thesis:

- «The Applicability and Application of the Market Economy Investor Principle», University of Bergen 2015, (ISBN 978-82-308-2735-2), 636 pages.
- An updated version of the PhD thesis: «The Market Economy Investor Test in EU State Aid Law: Applicability and Application», International Competition Law Series. Kluwer Law International 2016 (ISBN 9789041161024), 353 pages.

b. Publications in peer-reviewed journals:

- «The problem of asking the right questions or a few thoughts on the applicability of the private investor test», Case T-156/04 *Electricité de France v Commission* (EDF) [2009] ECR II-4503 and Case C-124/10 P *Commission v Électricité de France* (EDF)

[2012] ECR n.y.r. – case annotation, Competition Law Quarterly published by the University of Warsaw 2013, Vol.6(2) pp. 190-214.

The original title: «O zadawaniu właściwych pytań, czyli kilka refleksji na temat dopuszczalności zastosowania kryterium (testu) prywatnego inwestora», iKAR internetowy Kwartalnik Antymonopolowy i Regulacyjny, Numer Energetyczny Uniwersytet Warszawski, November 16, 2013, <http://ikar.wz.uw.edu.pl/numery/12/pdf/190.pdf>.

- «The problem of objectives pursued by the state under the application of the Market Economy Investor Principle (MEIP)», 03/04 *Tidsskrift for rettsvitenskap* 2015, pp. 263-294.
- «The Applicability and Application of the Market Economy Investor Principle», 16(3) *European State Aid Law Quarterly* 2016, pp. 381-399.
- «The FIH-Case and the MEIP – A Step Forward or a Step in the Wrong Direction? Annotation on the Judgment of the General Court (Sixth Chamber) of 15 September 2016, in Case T-386/14 FIH Holding and FIH Erhvervsbank v European Commission (FIH) (appealed in Case C-579/16 P Commission v FIH Holding and FIH Erhvervsbank)» 16(1) *European State Aid Law Quarterly* 2017; pp. 86-92.
- «The Applicability and Application of the Market Economy Investor Principle: Lessons Learnt from the Financial Crisis», 16(4) *European State Aid Law Quarterly* 2017, pp. 512-526.
- «Once an Aid Recipient, Always an Aid Recipient? The Post-Crisis State Interventions in the Banking Sector and Beyond», 17(2) *European State Aid Law Quarterly* 2018, pp. 192-203.
- Cyndecka, Malgorzata Agnieszka; Wyndham, Timothy G.A., «Price Increasing Tax Reductions for Electronic Newspapers. Implications for State Aid Policy» 17(3) *European State Aid Law Quarterly* 2018; pp. 375-386.
- «The MEOP in the FIH Case - Where Law and Economics Meet, but Law Prevails (C-579/16 P Commission v FIH · Annotation on the Judgment of the Court of Justice (Grand Chamber) of 6 March 2018, in Case C-579/16 P European Commission v FIH Holding and FIH Erhvervsbank (FIH))», 17(4) *European State Aid Law Quarterly* 2018, pp. 546-552.
- «The 2019 ‘Fitness Check’ of State Aid Modernisation Reform of 2012—An Opportunity to Redefine and Reintroduce Sustainability into the EU/EEA State Aid Rules? The Example of the Transport Sector» 11(22) *Sustainability* 2019.
- «The MEOP in the Larko Case · Case T-423/14 Larko Geniki», 18(2) *European State Aid Law Quarterly* 2019, pp. 180-185.
- «State Aid in the Form of Tax Exemptions – Some Thoughts from Norway», 18(2) *European State Aid Law Quarterly* 2019, pp. 119-120.
- «‘Reversed’, ‘Excessive’ or Misconstrued? The Controversy About the Burden of Proof in MEOP Cases», 18(2) *European State Aid Law Quarterly* 2019, pp. 157-168.
- «Buendia, Jose Luis; Buts, Caroline; Cyndecka, Malgorzata Agnieszka. Review of EU Case Law on State Aid – 2018», 18(3) *European State Aid Law Quarterly* 2019, pp. 313-338.
- «EEA Law and the Climate Change. The Case of Norway», Polish Review of International and European Law, Vol. 9 No. 2, 13. November 2020, <https://czasopisma.uksw.edu.pl/index.php/priel/article/view/7175/6462>, 20 pages.

- Jose Luis Buendia, Caroline Buts, Malgorzata Cyndecka, «Review of EU Case Law on State Aid – 2019», 19(4) *European State Aid Law Quarterly* 2020, pp. 468-514.

c. Published book chapters:

- «BP Chemicals: Lessons to Be Recalled in the Context of Applying the MEIP to Consecutive State Measures in the Financial Sector» in: Caroline Buts og José Luis Buendía Sierra (red.) «Milestones in State Aid Case Law EStAL's First 15 Years in Perspective» Lexxion 2017, pp. 2-15.
- «Effectiveness and Application of EU & EEA law in Polish Courts: The principle of consistent interpretation», in: Christian N.K. Franklin (red.) «The Effectiveness and Application of EU and EEA Law in National Courts», Intersentia 2018 (ISBN 9781780686554), 44 pages.
- Askeland, Bjarte; Cyndecka, Malgorzata Agnieszka; Holmøyvik, Eirik; Konow, Berte-Elen R; Nordtveit, Ernst; Schütz, Sigrid Eskeland, «Klimaretslege utfordringer for rettsvitenskapen», in: Rett i Vest. Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen. Fagbokforlaget 2019 (ISBN 9788245027945), pp. 177-196.
- «Om anvendelsen av EØS-regler om offentlig støtte i den norske universitets- og høyskolesektoren» in: Rett i Vest. Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen, Fagbokforlaget 2019, (ISBN 9788245027945), pp. 275-292.
- «State aid and the financial sector: the crisis and beyond», in L Hancher & JJ Piernas López (eds), *Research Handbook on European State Aid Law*, 2nd edn, Edward Elgar, 2021, pp. 134-152.

d. National reports and analyses:

- Chapter «Markedsaktørprinsippet» i rapport «Like konkurransevilkår for offentlige og private aktører», pp. 74-84, 23. January 2018, Nærings- og fiskeridepartementet, <https://www.regjeringen.no/contentassets/0c36c9f9c1ca4ececbecc7142b2420511/rapprt-like-konkurransevilkar-for-offentlige-og-private-aktorer.pdf> .
- «Norway - National Report - XXVIII FIDE Congress» in: José Luís Cruz Vilaça, Carlos Botelho Moniz, Rita Leandro Vasconcelos og Alberto Saavedra (eds) «Tax, State Aid and distortions of competition. Congress Proceedings Vol. 2», Livraria Almedina 2018, pp. 411-428. Co-author Øyvind Røed: pp. 425-428.

e. Online resources:

- Gjestebloggpost: T-488/11 Sarc v. Kommisjonen - programvarelisensiering som statsstøtte, Immaterialrettstrollet 2014, <http://www.iptrollet.no/search?q=cyndecka>.
- «A controversial expansion of the MEIP in a financial crisis case – the GC's judgment in Case T-386/14 FIH of 15 September 2016 (under appeal)», Kluwer Competition Law Blog, 2016, <http://competitionlawblog.kluwercompetitionlaw.com/2016/11/25/a-controversial-expansion-of-the-meip-in-a-financial-crisis-case-the-gcs-judgment-in-case-t%E2%80%99138614-fih-of-15-september-2016-under-appeal/> .
- Book review: F. Wollenschläger, W. Wurmnest, T. M. J. Möllers (red.) «Private Enforcement of European Competition and State Aid Law: Current Challenges and the Way Forward», Wolters Kluwer 2020, <https://eulawlive.com/library/private->

[enforcement-of-european-competition-and-state-aid-law-current-challenges-and-the-way-forward/](#) , 2020.

- Analysis: «The compatibility of turnover-based progressive taxes with EU law», EULawLive 2020, <https://eulawlive.com/analysis-the-compatibility-of-turnover-based-progressive-taxes-with-eu-law-by-malgorzata-cyndecka/> , 2020.
- Analysis: «Clarifications on the Member States' freedom to determine public policy objectives under Article 107(3)(c) TFEU», EULawLive 2020, <https://eulawlive.com/analysis-clarifications-on-the-member-states-freedom-to-determine-public-policy-objectives-under-article-1073c-tfeu-by-malgorzata-cyndecka/>
- «A dystopian story about COVID-19, Artificial Intelligence setting grades and the GDPR», EFTA-Studies.org <https://www.efta-studies.org/post/a-dystopian-story-about-covid-19-artificial-intelligence-setting-grades-and-the-gdpr> , 2020.
- «Betaler du nok skatt, Apple?» Blogg: Akademiet for Yngre forskere, blogg.forskning.no, <https://blogg.forskning.no/akademiet-for-yngre-forskere/betaler-du-nok-skatt-apple/1630916> , 2020.

f. Unpublished scientific publications

TEACHING EXPERIENCE:

- **JUS291-2-A EU and EEA State Aid Law** (elective course, course supervisor)
- **JUS294-2-A Privacy and data protection – GDPR** (elective course, course supervisor)
- **JUS295-2-A Legal Technology: Artificial Intelligence and Law** (elective course)
- **JUS287-2-A EU and EEA Commercial Law** (elective course)
- **JUS121 NIRI - Norske og internasjonale rettslige institusjoner** – Norwegian and international legal organisations, obligatory course, in Norwegian)
- **JUS111 Administrative law II** (obligatory course, in Norwegian)
- **JUS123 Administrative law II** (obligatory course, in Norwegian)

PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS:

- **Member of Akademiet for Yngre Forskere (AYF) – Norway Young Academy** <https://akademietforyngreforskere.no> (from Autumn 2020 – Deputy Member of AYF's Board).
- **Member of Letten Prize Committee** <https://lettenprize.com> .
- **Associate Editor** of European State Aid Law Quarterly, Lexxion <https://estal.lexxion.eu>
- **Member of European State aid Law Association (ESALA) - The Forum of State aid lawyers and scholars across Europe – Committee Member**
- **Member of Editorial Board** of the journal «Metropolitan» <http://metropolitan.im.edu.pl/>).
- **Analyst** in EULawLIVE <https://eulawlive.com> .
- **Member of the Norwegian European law association (Norsk forening for europarett)** – main responsibility for the Norwegian report for XXVIII FIDE Congress in 2018: Topic 2: Taxation, State aid and distortions of competition.

- **Member of Daughters of Themis**, International Network of Female Business Scholars, Norway.
- **Member of Resource Group for International Commission of Jurists Norway Student network in Bergen.**
- **Member of Nordic Permed Law (NPL)** – network of lawyers in the Nordic region who work with questions related to precision medicine and new medical technology.
- **Member of SPOD – Polish Association of Data Protection Practitioners.**
- **Member of Research Group for Information and Innovation Law**, Faculty of Law, UiB, Norway.
- **Member of Research Group for EU/EEA Commercial law**, Faculty of Law, UiB.
- **Member of Bergen Centre for Competition Law and Economics**, BECCLE, UiB.
- **Member of Centre for Climate and Energy Transformation**, UiB.

TEACHING OBLIGATIONS AND TEACHING EXPERIENCE:

- **JUS291-2-A EU and EEA State Aid Law** (elective course, course supervisor)
- **JUS294-2-A Privacy and data protection – GDPR** (elective course, course supervisor)
- **JUS295-2-A Legal Technology: Artificial Intelligence and Law** (elective course)
- **JUS287-2-A EU and EEA Commercial Law** (elective course)
- **JUS121 NIRI - Norske og internasjonale rettslige institusjoner** – Norwegian and international legal organisations, obligatory course)
- **JUS111 Administrative law II** (obligatory course)
- **JUS123 Administrative law II** (obligatory course)

SUPERVISION, SCIENTIFIC EVALUATION COMMITTEES:

- **Supervisor of EU/EEA law group** – general responsibility for master students that write a master thesis in the field of EU/EEA law, Faculty of law, UiB.
- **Supervision of master students** writing about EU/EEA State aid law and data protection/GDPR.
- **Member of the evaluation committee** for a position of research fellow linked to own postdoctoral project, Faculty of Law, UiB.
- **Leader of the evaluation committee – doctoral dissertation** (Public procurement law), Faculty of Law, UiB.
- **Leader of the evaluation committee** for a postdoctoral researcher, Faculty of Law, UiB
- **Coach for students taking part in ESA Moot Court 2018 and 2020.**

CONSULTING, LEGAL ANALYSES:

- **19. October 2018** – Invited as national expert representing Norway to hold a presentation during a meeting of «Working Group of Member States on SAM implementation» and the European Commission.
- August 2016 – December 2017 - **Member of the Norwegian Government's external expert group «På like vilkår»**, (On a level playing field), clarifications concerning the Norwegian rules governing the public sector, Report: <https://www.regjeringen.no/no/aktuelt/ny-side/id2587387/>.

- **2016 – updating the Norwegian Ministry of Trade, Industry and Fisheries’ guidelines on State aid rules** (assignment carried out by Lund Advokatfirmaet).
- **2014 – legal analysis for Stavanger Kulturhus IKS** in connection to the Norwegian tax authorities’ decision concerning VAT compensation.

COMMUNICATION ACTIVITIES (selected):

- **Invited speaker at ICCA Annual Meeting Scandinavian Chapter – Visit Bergen** (“Brexit - possible consequences and impact on Scandinavia”), Bergen, Norway, 2019.
- **Invited speaker at the Swedish Network for State aid law** - Statsstödsnätverk, Stockholm, Sweden, 2018.
- **Invited speaker at the 3rd SVOC Conference: The Role of State in Varieties of Capitalism**, New global challenges of European regulation, institutions and policies, Budapest, Hungary, 2017.
- **Invited speaker and member of panel debates** – conferences organized by amongst others European State Aid Law Institute and Vrije Universiteit in Brussels, Belgium, twice in 2016.
- **Invited speaker at “Forum for offentlig støtte”**, a Norwegian network of State aid law experts – academics and civil servants from the relevant Ministries, practicing lawyers, economists, Oslo, Norway, twice in 2017.
- **Invited expert/lecturer** at seminars organized by the European Academy for Taxes, Economics & Law, Berlin, Germany, 2017 and 2018.
- **Invited lecturer/expert** - international seminar for civil servants from EU/EEA Member States “Market Economy operator Test” organized by Lexxion, Brussels, Belgium, 2019.
- **Invited presentation** for EFTA Surveillance Authority, Brussels, Belgium, 2017.
- **Invited presentation for** Stockholm School of Economics, Stockholm, Sweden, 2017.
- **Invited presentation for** Warsaw School of Economics, Warsaw, Poland, 2017.

Selected contributions in newspapers:

- Analysis of processing of personal data by a number of mobile applications in light of the requirements set out in GDPR - "My phone spied on me" - NRK Beta, 3. December 2020.
- A comment on Bergen City Council's new rules on COVID-19 tracing: Reagerer på Bergens nye korona-forskrift: – Hundre prosent sikkert at persondata kommer på avveie. Ekspert på datasikkerhet og personvern kritiserer koronaregler, Bergens Tidende, 29. October 2020.
- Debate: IB-saken viser hvorfor vi trenger personvern. Automatiserte avgjørelser kan gjøre livet enklere, men kan også lede til diskriminerende og urettferdige resultater. Bergens Tidende 17. July 2020 (A comment on the IBO case and automated decisions under GDPR).
- Invited guest in a podcast "Misjon Vestlandet" by PwC Bergen in which I discussed the recent State aid developments in light of the COVID-19 outbreak.

- In my capacity as member of The Young Academy of Norway (AYF) Researchers "Take the mental health of researchers seriously" - "Ta forskernes mentale helse på alvor", Forskerforum.no 24. April 2020.
- Interview concerning a controversial public-private project "Kommune skal lære opp privat selskap: Omstridt kommunalt-privat samarbeid kan være ulovlig statsstøtte", Fagbladet, 1. April 2020.
- Sugar tax in Norway and State aid rules, Dagens Næringsliv, 20. June 2018.
- Amazon og Apples skatteregning i EU, Dagens Næringsliv, 8. November 2017.
- Innovasjon Norge må forklare seg Bergens Tidende, 11. October 2017.
- Like vilkår - men likere for noen Dagens Næringsliv, 25. April 2017.
- Kan være både tillatt og fornuftig Dagens Næringsliv, 15. August 2016.
- Hvor mye «kultur» i kulturaktivitet? Dagens Næringsliv, 1. July 2016.

LANGUAGE SKILLS

- Polish (native), English (fluent), Norwegian – bokmål (fluent), German (beginner).