

## Curriculum Vitae

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## WORK EXPERIENCE:

**September 2022-December 2023 Associate professor II**, Faculty of Law, Department of Public and International law, University of Oslo (UiO), Norway.

**From January 2021 Affiliated** with Centre for the Science of Learning & Technology (SLATE), University of Bergen, Norway.

**From May 2019 Associate Professor**, Faculty of Law, University of Bergen (UiB), Norway (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.

**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 and EU/EEA State aid law  
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».

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

**October 2008 – February 2009** Blue Book Stagiaire in the European Commission's Directorate-General for Competition (DG COMP), State aid unit, Brussels.

## EDUCATION:

**Ph.D.** 2015 – Faculty of Law, 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».

## 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**»

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)**

**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 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.

- Buendia, Jose Luis, Caroline Buts, Malgorzata Cyndecka, «Review of EU Case Law on State Aid – 2019», 19(4) *European State Aid Law Quarterly* 2020, pp. 468-514.
- Buts, Caroline, Malgorzata Cyndecka, Jose Luis Buendia, «Review of EU Case Law on State Aid – 2020», *European State Aid Law Quarterly* 2021, pp. 397-426.
- «Den polske rettsstatskrisen og EØS-midlene», *Lov og Rett* 2022 (2), pp. 67-68.
- Weitzeboeck, Emily Mary; Pierre Lison, Malgorzata Cyndecka, Malcolm Langford, «The GDPR and Unstructured Data: Is Anonymisation Possible?», *International Data Privacy Law (IDPL)* 2022.
- Husebø, Bettina Elisabeth Franziska, Maarja Vislapuu, Malgorzata A. Cyndecka, Manal I. Mustafa Sharafeldin, Monica Patrascu, «Understanding pain and agitation through system analysis algorithms in people with dementia. A novel explorative approach by the DIGI.PAIN study», *Frontiers in Pain Research, section Geriatric Pain*, 2022.

### 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 and 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.
- «BP Chemicals: An Important Clarification on the Applicability of the MEOP that Still Waits for its Full Recognition», in: Caroline Buts and José Luis Buendía Sierra (red.) «Milestones in State Aid Case Law EStAL's First 20 Years in Perspective» Lexxion 2022, pp. 1-22.
- «*FIH Holding*: The Market Economy Operator Principle as a Concept Based on Law and Economics, but where the Law Prevails» in: Caroline Buts and José Luis Buendía Sierra (red.) «Milestones in State Aid Case Law EStAL's First 20 Years in Perspective» Lexxion 2022, pp. 469-492.
- «The interplay between the framework for payment services and data protection: a piece of European community identity» in: Gabriella Gimigliano (ed) *Money Law, Capital, and the Changing Identity of the European Union*, Hart 2022, pp. 37-56.

### d. Unpublished scientific publications:

- «State aid conditionality and misuse of aid» in: Piernas-López, Juan-Jorge, Leigh Hancher and Luca Rubini, «The Future of EU State aid Law and Policy: Consolidation and Expansion», EU Law Press, forthcoming 2022.
- «Personvern og Smittestopp» in: Benedikte M. Høgberg, Eirik Holmøyvik, Christoffer C. Eriksen (eds), «Kriseregulering – lovgivning gjennom koronakrisen», Fagbokforlaget, forthcoming 2023.



[problem-of-consecutive-measures-of-the-state-acting-as-public-creditor-by-malgorzata-cyndecka/](https://www.eulawlive.com/analysis-the-devil-is-in-the-detail-ryanairs-challenge-to-the-recapitalisation-of-finnair-finnair-ii-t-657-20-by-malgorzata-cyndecka/)

- Analysis: «The devil is in the detail: Ryanair’s challenge to the recapitalization of Finnair – Finnair II (T-657/20)», *EULawLive* 2022, <https://eulawlive.com/analysis-the-devil-is-in-the-detail-ryanairs-challenge-to-the-recapitalisation-of-finnair-finnair-ii-t-657-20-by-malgorzata-cyndecka/>.

#### TEACHING OBLIGATIONS AND EXPERIENCE:

- **JUS294-2-A Privacy and data protection – GDPR** (elective course, course supervisor, teacher) – course offered in cooperation with TekLab in Bergen: <https://teklab.uib.no/artikler/exploring-gdpr-implications-for-student-prototypes/>
- **DIGI 113 Personvern og GDPR** (elective course offered to all UiB students, course supervisor, teacher)
- **JUS295-2-A Legal Technology: Artificial Intelligence and Law** (elective course, teacher)
- **JUS291-2-A EU and EEA State Aid Law** (elective course, course supervisor, teacher)
- **JUS287-2-A EU and EEA Commercial Law** (elective course, teacher)
- **JUS121 NIRI - Norske og internasjonale rettslige institusjoner** – Norwegian and international legal organisations, obligatory course, in Norwegian, teacher)
- **JUS111 Administrative law II** (obligatory course, in Norwegian, teacher)
- **JUS123 Administrative law II** (obligatory course, in Norwegian, teacher)

#### PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS:

- Affiliated at SLATE, Centre for the Science of Learning & Technology, UiB
- Responsible for GDPR issues in a project **Digital Learning Analysis** (læringsanalyse) carried out KS and SLATE, which participates the Norwegian Data Protection’s (Datatilsynet) **Sandbox for responsible Artificial Intelligence (2021/2022)**, <https://www.datatilsynet.no/aktuelt/aktuelle-nyheter-2021/disse-fire-skal-vare-pionerer-i-personvernvennlig-ki/>
- Member of UiB's Working Group - digital competence for UiB's students – responsibility for data protection/GDPR module in the planned course
- **Data protection and GDPR expert** at UiB’s Pandemic Centre <https://www.uib.no/en/pandemic/141595/experts-and-subjects#law>
- Member of Akademiet for Yngre Forskere (AYF) – Norway Young Academy <https://akademietforyngrforskere.no> (Autumn 2020-2021– Deputy Member of AYF’s Board).
- Member of Letten Prize Committee (2021) <https://lettenprize.com>
- Leader of EU/EEA-law committee in International Commission of Jurists – Norwegian section (ICJ)
- 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 KIN - Kunstig intelligens i norsk helsetjeneste (Norwegian network – Artificial intelligence in the health sector)
- 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 European Law**, Faculty of Law, UiB.
- **Member of Bergen Centre for Competition Law and Economics**, BECCLE, UiB.

#### **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** (30 and 70 ECTS writing about data protection/GDPR and EU/EEA State aid law).
- **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.

#### **Selected contributions in newspapers/podcasts:**

- Podcast «Rett og Slett»: #12 and #13: «Polen og europeiske rettsstater under press - del I og II». 12. and 19. January 2022.
- «Dette er appene du bør passe deg for», NRK Beta, 2021, <https://nrkbeta.no/2021/11/07/dette-er-appene-du-bor-passe-deg-for/>
- «Kritiserer forskningsarbeid med Polen», (interview), Morgenbladet, 2021 <https://www.morgenbladet.no/aktuelt/demokrati/2021/05/07/kritiserer-forskningssamarbeid-med-polen/>
- «EU-domstolens og EMDs fellelser gjør lite inntrykk på Polen», Rett24, <https://rett24.no/articles/eu-domstolens-og-emds-fellelser-gjor-ikke-inntrykk-pa-polen>
- 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.
- Op-ed: «IB-saken viser hvorfor vi trenger personvern», Bergens Tidende, 17. July 2020,

- 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 AND BACKGROUND**

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