



**COUNCIL OF  
THE EUROPEAN UNION**

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(Or. en, pl)**

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**INST 11  
JUR 20  
COUR 7**

**COVER NOTE**

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from: Jan Tombiński, Permanent Representative of the Republic of Poland  
date of receipt: 16 January 2009  
to: Mr Javier SOLANA, Secretary-General/High Representative

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No. prev. docs. : 13740/08 INST 116 JUR 380 COUR 39  
14417/08 INST 155 JUR 429 COUR 41

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Subject: Expiry of the terms of office of thirteen judges (EL, FI, BE, SI, IE, ES, PL, HU, SK, EE, DK, RO, LU) and four advocates-general (UK, ES, DE, PT) of the Court of Justice of the European Communities  
– Proposal for appointment of Mr Marek Safjan (PL)

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*Sir,*

In response to the letter of the President of the European Court of Justice of 29 September 2008 to the President of the Council of the European Union and the Conference of the Representatives of the Governments of the Member States, together with the note from the Council General Secretariat of 20 October 2008 concerning the expiry of the mandates of thirteen judges and four Advocates-General of the Court of Justice, I hereby respectfully inform you that on 13 January 2009 the Council of Ministers decided to appoint Professor Marek Safjan as a judge at the EU Court of Justice.

In accordance with the procedure described in the aforementioned note, I also enclose a copy of Professor Safjan's curriculum vitae and his contact details.

(Complimentary close)

Jan Tombiński

Ambassador

**Professor Marek Safjan**  
**Biographical note**

**1. Academic and didactical activity in Poland**

- Majored in law at Warsaw University, where he has been employed since 1973 at the Institute of Civil Law (in 1980 – Ph.D. in law, and in 1991 – degree of habilitated doctor).
- During 1984-1995 simultaneously worked part-time at the Secular Law and Canon Law Department in the Catholic University of Lublin.
- During 1993-1997 – head of the private law section at the Institute of Justice. M. Safjan was the scientific editor of four volumes of studies on European legal acts dealing with private law (i.e. framework conventions and Community directives) published by the Institute.
- In 1998 he was awarded the title of professor<sup>1</sup>.
- Since 2001 he has been a correspondent member of the Polish Academy of Arts and Sciences.

**2. International experience**

- In 1976 completed comparative legal studies at the University of Strasbourg .
  - In 1983 lectured at the University of Montreal (French speaking).
  - In 1992 lectured at the University of Leuven (Belgium).
  - During 2007-2008 lectured at the European University in Florence (10-month research scholarship as part of the prestigious *Fernand Braudel Senior Fellowship*).
- Also lectured at universities in Aix en Provence, Trento, Ratisbon, Gent and Lund.

**3. Academic publications**

Cover many different areas of law, including private law, constitutional law, European and medical law, some 200 in all, including more than 50 monographs.

The major publications include:

- co-author of "System Prawa Prywatnego" (System of Private Law) (2007),
- co-author of two fundamental textbooks on private law, i.e. "Prawo zobowiązań" (Contract Law) and "Prawo handlowe" (Commercial Law),

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<sup>1</sup> In the meaning of the Law on Scientific Degrees and Scientific Titles and on Degrees and Titles in the domain of the Arts (Journal of Laws of 2003, No. 65, item 595 as amended).

- publications on legal and commercial transactions, indemnification, public governance, freedom of contracts, and co-author of a commentary to the Civil Code,
- numerous articles on constitutional and European law concerning constitutional case law, relations between Community and domestic law, protection of privacy and personal data in the European area, framework European conventions and company directives, the European Constitution.
- numerous publications on medical law dealing with the European Bioethics Convention.

#### **4. Adjudicative work**

In 1997 appointed judge of the Constitutional Tribunal (CT) and in 1998-2006 served as the President of the CT. During his term also served as the Chairman of the Conference of European Constitutional Courts. Under his leadership, the Tribunal conducted an animated exchange of experience with foreign constitutional courts, including the French Constitutional Council, the German Federal Constitutional Tribunal, the Italian Constitutional Tribunal and the Lithuanian Constitutional Tribunal. The Constitutional Tribunal also maintained regular contact with the European Court of Human Rights in Strasbourg and the European Court of Justice in Luxembourg.

#### **5. Administrative experience**

In 1994-1996 served as the Director of the Civil Law Institute of Warsaw University

In 1996-1997 served as Prorector of Warsaw University

#### **6. Extra-academic activity**

During the period of the Polish People's Republic Professor M. Safjan was not involved in any official public or political activity. From 1978 he conducted clandestine activity, which in 1981 took the form of the Liberal-Democratic Independence Party. In 1980 he became vigorously involved in the activity of Solidarity at the University and his faculty (he was a founding member of the Faculty Commission of Solidarity). In 1988 he joined in the work of the Social Legislative Council and was a co-author of its first draft law on the National Judicial Council. Starting in the early Nineties, he was involved in diverse expert projects connected with the reconstruction of the Polish legal system; he acted as an expert for the Senate and Sejm and took part in legislative works at the Ministry of Justice on draft legal acts in the sphere of private law. From 1990 Professor Safjan took part in the works of two steering committees of the Council of Europe: on the Protection of Personal Data (1990-1994) and on

Bioethics (1991-1997) – during the preparation of the European Bioethics Convention. In the early Nineties he also became a member of the Helsinki Committee in Poland.

## **7. Membership of major national and international organizations and institutions**

- Helsinki Committee in Poland
- Polish Academy of Arts and Sciences
- Academie Internationale de Droit Comparé
- International Commission of Jurists
- Association Internationale de Droit, Ethique et Science
- Association Internationale des Amis de la Culture Juridique Française (secretary-general of the Polish section, 1996-1998),
- Ethics Committee at the Polish Academy of Sciences,
- International Association of Constitutional Law.

## **8. Major awards, distinctions and decorations**

- First Prize for the best habilitation thesis in the competition of the monthly "Państwo i Prawo" (1991),
- Professor Idzi Radziszewski Award for Scholarly Achievements, granted by the Scientific Association of the Catholic Scientific University (2003),
- Award for the Best Lawyer of the Year – Golden Paragraph (2002)
- Das grosse Verdienstkreuz mit Stern Verdienstordens der Bundesrepublik Deutschland – conferred by the President of the Federal Republic of Germany (2003)
- Grande Ufficiale Order – conferred by the President of Italy (2000)
- Commander Cross of the Grand Prince Gedymis – conferred by the President of the Republic of Lithuania ,
- Edward Wende Award for contributions to the strengthening of democracy in Poland and outstanding achievements in the development of the Polish and European legal systems (2006),
- Pro Merito Medal conferred by the Secretary General of the Council of Europe (2007),
- Award of the Rector of Warsaw University in recognition of services to Warsaw University and the Department of Law and Administration, Golden Badge of the Polish Bar (2008),
- Promotion of Tolerance Medal (2008)

## CURRICULUM VITAE

### I. Work and other forms of professional and public activity (main dates)

- 2006 Professor at the Civil Law Chair of the Law and Administration Department of Warsaw University
- 1998-2006 President of the Constitutional Tribunal of the RP
- 1997-2006 Judge of the Constitutional Tribunal
- 1996-1999 Chairman of the Conference of European Constitutional Courts
- 1994-1997 Prorector of Warsaw University
- 1992-1996 Director of the Civil Law Institute
- 1997 Head of Civil Law Section at the Institute of Justice
- 1994-1998 Member of the Bank Warranty Fund
- 1994 Member of the International Academy of Comparative Law
- 1995 Member of the Ethics Committee at the Polish Academy of Sciences
- 1998 Chairman of the Scientific Council of the Institute of Justice
- 1973 Scientific worker at Warsaw University
- 1973-1980 – assistant at the Institute of Civil Law
- 1980-1991 – lecturer at the Institute of Civil Law
- 1991-1998 – assistant professor of Warsaw University
- 1998 - titular professor
- 2002 - full professor of Warsaw University
- 1980-1981 founding member of Solidarity at the Law Department, member of faculty commission and University authorities of Solidarity
- 1985-1988 lecturer of the Independent People's University at Lubochnia (in the framework of clandestine Solidarity structures)
- 1982-1988 co-publisher of the independent clandestine periodical *Niepodległość* (Independence)
- 1988-1989 member of the Social Legislative Council (co-author of the first draft law on the National Judicial Council)
- 1983-1995 scientific worker at the Law Department of the Catholic University of Lublin
- 1971-1973 training as judge at the Warsaw Voivodship Court, passed judge's exam
- 1967-1971 studies at the Department of Law and Administration of Warsaw University

### II. Internships abroad and other notable activity in international institutions

- 1976 studies in comparative law at Faculte Internationale de Droit Compare in Strasbourg (French speaking group)
- 1983 visiting professor at Universite de Montreal (7 months)
- 1991 professorial 4-month grant at the University of Leuven (Belgium)
- 1989 internship at the Legal Department of the Council of Europe
- 1990 expert of the Canadian Committee for Law Reform
- 1990-1994 representative of Poland to the Committee on the Protection of Personal Data
- 1991-1997 representative of Poland and member of the Presidium of the Committee on Bioethics, preparing the draft European convention on human rights and biomedicine
- 2007-2008 Fernand Braudel Senior Fellowship (10 months, European University, Florence)

### III. Membership of major national and international organizations and institutions

- Academie Internationale de Droit Compare

- Polish Academy of Arts and Sciences
- International Commission of Jurists
- Association Internationale de Droit, Ethique et Science
- Association Internationale des Amis de la Culture Juridique Française (secretary-general of the Polish section, 1996-1998),
- Ethics Committee at the Polish Academy of Sciences,
- International Association of Constitutional Law.
- Helsinki Committee in Poland

#### **IV. Major awards, distinctions and decorations**

- First Prize for the best habilitation thesis in the competition of the monthly "Państwo i Prawo" (1991),
- Professor Idzi Radziszewski Award for Scholarly Achievements, granted by the Scientific Association of the Catholic Scientific University (2003),
- Award for the Best Lawyer of the Year – Golden Paragraph (2002)
- Das grosse Verdienstkreuz mit Stern Verdienstordens der Bundesrepublik Deutschland – conferred by the President of the Federal Republic of Germany (2003)
- Grande Ufficiale Order – conferred by the President of Italy (2000)
- Commander Cross of the Grand Prince Gedymis – conferred by the President of the Republic of Lithuania ,
- Edward Wende Award for contributions to the strengthening of democracy in Poland and outstanding achievements in the development of the Polish and European legal systems (2006),
- Pro Merito Medal conferred by the Secretary General of the Council of Europe (2007),
- European of the Year Award in the category "Scientist" , granted by the European Union Monitor journal (2008)
- Award of the Rector of Warsaw University in recognition of services to Warsaw University and the Department of Law and Administration, Golden Badge of the Polish Bar (2008),
- Promotion of Tolerance Medal (2008)

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