



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 April 2012

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**INST 278
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COUR 18**

COVER NOTE

from: Jon Cunliffe, Permanent Representative of United Kingdom to the EU
date of receipt 10 April 2012
to Mr Uwe Corsepius, Secretary-General of the Council of the European Union
Subject: Partial replacement of the Judges and Advocates-General of the Court of Justice
of the European Union
– Proposal for the appointment of Mr Christopher Vajda (UK)

Delegations will find attached a copy of the letter containing the abovementioned proposal and the curriculum vitae of Mr Christopher Vajda.



UK Representation
to the EU Brussels
4th April 2012

Monsieur Uwe Corsepius,
Secrétaire Général du Conseil de l'UE,
A l'attention du Service Juridique du Conseil,
Bureau JL 20 40 GM 22,
Rue de la Loi, 175,
B-1048 Bruxelles.

**The Permanent Representative
Sir Jon Cunliffe CB**

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Dear Secretary-General,

In advance of the partial replacement of the Judges and Advocates-General of the Court of Justice of the European Union later this year, the UK Government nominates Mr Christopher Vajda QC to take up the position of UK Judge to the European Court of Justice from October 2012.

Pursuant to the operating rules governing the submission and processing of applications (set out by the Council Secretariat in document 13322/11), please find attached two annexes. The first annex details the curriculum vitae, and published writings, of the nominee. The second annex contains his personal contact details.

Please do let me know if I can be of any further assistance.

Yours,

Jon

JON CUNLIFFE

Curriculum Vitae

Name: VAJDA, Christopher Stephen

Nationality: British

Date and Place of Birth: 6th July 1955, London

Professional Experience:

2003 to Present:

Position: Recorder of the Crown Court

October 1986 to Present:

Position: Self-employed Practising Barrister at Monckton Chambers, 1-2 Raymond Buildings, London WC1R 5NR.

Appointed Queen's Counsel in 1997.

Duties: Advising and acting on EU, competition, and public law cases for clients including Government, a large number of other Public bodies, Private Sector companies and individuals in both the domestic courts and before the EU.

January 1982 to October 1986:

Position: Self-employed Practising Barrister in the Chambers of Jeremy Lever QC, Brussels, Belgium

Duties: Advising and acting on EU cases both before the ECJ and the domestic courts.

Qualifications and Training:

2003: Appointed as a Bencher of Gray's Inn.

1997: Appointed Queen's Counsel.

1996: Called to the Bar of Northern Ireland.

1979: Called to the Bar of England and Wales by Gray's Inn.

1978 – 1979:

Institution: Inns of Court School of Law,
Qualification: Barrister

1977 – 1978:

Institution: Institut d'Etudes Européennes, Université Libre de Bruxelles,
Qualification: Licence Spéciale en Droit Européen,
Award: Grande Distinction

1974 – 1977:

Institution: Corpus Christi College, Cambridge
Qualification: Degree in Law

Award: First in Part 1, Upper Second Class in Part 2

1968 – 1973:

Institution: Winchester College

Qualifications: 7 O levels in English Language, English Literature, French, Latin, Greek, Mathematics and Russian.

3 A levels in Latin, Greek and History

Awards: B Grade for A levels

Languages:

English (mother tongue)

French (proficient)

German (conversation)

Other:

2001 – Present:

Position: Treasurer of the United Kingdom Association for European Law (UKAEL – the UK arm of the Fédération Internationale pour le Droit Européen)

1996 -1999:

Position: President of the European Law Commission of the Association Internationale des Jeunes Avocats (AIJA).

Chaired an arbitration panel in a telecoms dispute in the Middle East.

Member of the editorial board of the United Kingdom Competition Law Reports.

Member of the Administrative Law Bar Association, Bar European Group, Competition Law Association, Revenue Bar Association, International Bar Association, and the Union Internationale des Avocats.

Regularly invited to speak at EU law conferences throughout Europe, and was previously invited to lecture to judges, public officials and private lawyers in Slovenia, Hungary and Romania prior to their accession to the EU.

List of published writings:

- Access to Judicial Review in the EU and National Courts, *Enforcing One's Rights Under EU law, Collection of Papers given at the Rights and Remedies Conference held by the University of Malta (2010)*
- The Chapter I Prohibition: Is it a Safe Bet, co-author with Philip Woolfe, *Competition Law Journal [2010] Comp Law 198*
- Effect of the Standstill Obligation in National Courts – all said after CELF? An English Perspective, co – author with Paul Stuart, *European State Aid law Quarterly, EStAL 3 [2010] 629*
- The banking crisis and the EC state aid rules, *Journal of International Banking and Financial Law, Vol. 24 – No. 2, February 2009*
- Case C-446/03 Marks and Spencer plc v David Halsey (Her Majesty's Inspector of Taxes), co-author with Josh Holmes, *Tax Journal, 16 January 2006, issue 820*
- Judicial Review in a Competition Context, co-author with Julian Gregory, chapter in *Competition Litigation in the UK by Tim Ward and Kassie Smith, 2005*
- Which Rules Rule, co-author with Ian Hutton, *Tax Journal, 20 June 2005, issue 794*
- VAT and EC Law, co-author with Peter Mantle, *Tax Journal, 14 June 2004, issue 745*
- Unlawful State aid: What is it and what are its legal consequences, *The EC Tax Journal (Vol. 5, 2001 Issue 2)*
- The compatibility of national limitation periods with Community law, *Mélanges en hommage à Michel Waelbroeck, Etudes de droit Européen et International, Bruylant Bruxelles, (1999)*
- State aid chapter, *Bellamy & Child Common Market Law of Competition, now European Community Law of Competition (3rd to 6th Eds, 1983 to 2008)*
- Selective Distribution in the European Community, *Journal of World Trade Law, (Vol 13. No. 5: Sept/Oct 1979 issue)*
- Some aspects of Judicial Review within the Common Agricultural Policy, *European Law Review (Vol. 4: August and October 1979 issues)*

List of selected cases:

Christopher Vajda QC has appeared in over 100 cases before the General Court and ECJ. Important cases in which he has appeared include:

Ford (competition law)

Factortame (constitutional law, suspension of Act of Parliament, damages, flag registration)

Manfred Säger v Dennemeyer [1991] ECR I-4221 (freedom to provide services, challenge to German monopoly for patent agents)

Emmott [1991] ECR I-4269 (implementation of directives and national time limits)

Johnson v Chief Adjudication Officer [1994] ECR I-5483 (equal treatment of men and women in matters of social security and national time-limits)

Alpine Investments [1995] ECR I-1141 (freedom to provide services)

Commission and France v Ladbroke Racing [1997] ECR I-6265 (state measures and competition law)

Halifax v Commissioners of Customs and Excise [2006] ECR I-1609 (state measures and competition law)

Wilson v Ordre des avocats du barreau de Luxembourg [2006] ECR I-8613 (the right of establishment and language requirements)

Commission v European Parliament and Council [2007] ECR I-8695 (exportability of special non-contributory benefits)

Bouygues [2009] ECR I-2665, [2007] ECR II-2097 (State aid, French sale of 3G spectrum)

Christopher Vajda QC has also appeared in a number of EU cases in the English Courts, examples of which include the following;

Garden Cottage Foods

Bourgoin

Factortame

The Foot and Mouth Litigation (2001)

HMRC v. Debenhams [2005] EWCA Civ 891 (VAT)

Collins v. Secretary of State for Work and Pensions [2006] EWCA Civ 376 (right of an EU citizen to employment benefit)

Fleming t/a Bodycraft (Respondent) v. HMRC [2008] UKHL 2 (absence of transitional provisions in a change to the recovery of input tax in VAT)

Devenish v. Sanofi-Aventis [2008] EWCA Civ 1086 (restitutionary remedies for victims of an cartel found to infringe Article 101 TFEU)