

PERSONAL
INFORMATION

Michal KIANIČKA



Gender - Male | Date of birth – | Nationality – Slovak Republic

POST APPLIED FOR

Judge at the General Court of the European Union - first appointment

PROFESSIONAL EXPERIENCE

Current position

Since 1 September 2021

Senior Legal Counsel (Institutional Affairs)

European Stability Mechanism – Luxembourg, Luxembourg

- Providing internal legal advice in institutional and corporate field. Expert and analytical activities focused mainly on EU law and public international law, as well as (Luxembourgish) corporate law. Fulfilling tasks individually, or in cooperation with colleagues responsible for the same and/or different practice area. Interaction with internal clients and external partners.

Type or sector of business: international financial institution (international organisation)

Previous posts held

11 January 2021 –
30 April 2021**Stagiaire**

Court of Justice of the European Union – Luxembourg, Luxembourg

- *Stagiaire* in the cabinet of Advocate General Michal Bobek.
- Providing research, analytical and discussion inputs with regard to handled cases. Research, study and analysis of the relevant domestic, European and international law, including the case-law of respective courts and tribunals.

Type of business or sector: EU institution

16 September 2010 –
5 April 2020**General State Advisor • Agent before the CJEU**

Ministry of Justice of the Slovak Republic – Bratislava, Slovakia

- Member of the Slovak EU litigation team, employee of the Office of the Agent before the EU Courts (Principal State Advisor: September 2010 – August 2011; General State Advisor: September 2011 – April 2020) • Involved in representing the Slovak government in more than 80 cases before the CJEU, including as agent (for the selective list of cases see below)
- Various legal tasks related to litigation before the CJEU, for example: preparation of analyses, submissions, procedural documents and legal opinions • shaping of procedural strategy • domestic (intrastate) coordination • monitoring, study, analysis and application of the relevant domestic, European and international law, including the case-law of respective courts • coordination of preparation of overviews summarising selected CJEU decisions, covering all areas of EU law and CJEU jurisprudence • analysis of legislative and non-legislative draft texts dealt with by the EU Council WP COUR, preparation of position documents and representation of Slovakia in the WP meetings • substituting the head agent in her absence

Type of business or sector: civil service

17 September 2008 –
10 June 2009

Legal Assistant

Draxler & Partner Rechtsanwälte – Vienna, Austria

- Legal research, brief legal opinions, contact with administrative authorities and courts, etc.

Type of business or sector: law firm

ca. 2003 - 2007

Translator • Interpreter (Slovak/German)

Slovenská Grafia a.s. – Bratislava, Slovakia

- Translation of internal regulations, instructions for use, and similar.
- Interpretation of business and project meetings, personnel training and so on.

Type of business or sector: printing industry

7 – 21 February 2007

Intern

Arbeitsgericht (Labour Court) – Frankfurt am Main, Germany

- Student internship to gain an impression of the German judiciary in practice.

Type of business or sector: domestic judiciary

EDUCATION AND TRAINING

2010 - ongoing

Doctoral studies

EQF level 8

University of Vienna – Vienna, Austria

- topic of the thesis: Accession of the EU to the ECHR and the co-respondent mechanism

2003 - 2010

Diploma in law • Magister der Rechtswissenschaften

EQF level 7

University of Vienna – Vienna, Austria

- additional focus: The Law of International Relations • Computer and Law
- diploma theses: The Principle of "Fair Trial" in the Sense of Article 6 ECHR • The Decision of the European Court of First Instance in Case T-215/06
- summer courses: 18th ECSL Summer Course on Space Law and Policy (2009) • LEGIS - Legal Aspects of Information Society (2007)

1995 - 2003

8-year high school

EQF level 4

Gymnázium Bilikova – Bratislava, Slovakia

- 1999 - 2003 - bilingual class (German/Slovak)
- bilingual high school leaving exam certificate (German/Slovak)
- voluntary leaving exam in five instead of (obligatory) four subjects

2007 - 2003

Seminars, conferences and summer schools

Various forums and occasions (for instance ERA, FIDE, EIPA, preparation for SK PRES 2016...)

- Common Market Law Review 60th anniversary conference
 - 9 June 2023, Leiden University • Leiden, The Netherlands
- XXX FIDE Congress
 - 31 May 2023 – 3 June 2023 • Sofia, Bulgaria
- Forum on Procedural Law of the Court of Justice of the European Union (Fifth Edition)
 - 27 February 2023, Max Planck Institute Luxembourg • Luxembourg, Luxembourg
- Recent Trends in the Case Law of the Court of Justice of the EU
 - 1 – 2 December 2022, EIPA • Luxembourg, Luxembourg
- European Sovereignty: The Legal Dimension – A Union in Control of its own Destiny. 30 Years ERA Anniversary Congress
 - 13 – 14 October 2022, ERA • Trier, Germany
- Symposium on "EU Autonomy and International Law"
 - 8 April 2022, ESIL and CJEU • Luxembourg, Luxembourg
- Forum on Procedural Law of the Court of Justice of the European Union (Fourth Edition)
 - 7 March 2022, Max Planck Institute Luxembourg • Luxembourg, Luxembourg

- NextGenerationEU - Europe's Recovery Plan One Year On
 - 22 – 23 February 2022, ERA • Online conference
- XXIX FIDE Congress
 - 3 – 6 November 2021 – Hague, The Netherlands
- Diplomatic protocol and etiquette in work and social relations
 - 4 December 2019, Ministry of Justice of the Slovak Republic • Bratislava, Slovakia
- Posting of Workers in the EU
 - 14 – 15 October 2019, ERA • Trier, Germany
- Annual Conference on European State Aid Law 2018
 - 8 – 9 November 2018, ERA • Trier, Germany
- Interviewing candidates for civil service
 - 8 November 2017 • Bratislava, Slovakia
- Preparatory trainings for SK PRES 2016
 - Negotiating skills and abilities to chair meetings of the EU Council preparatory bodies
 - 26 – 28 August 2015, CENAD • Bratislava, Slovakia
 - Communication and presentation skills the EU Council preparatory bodies
 - 6 – 1 August 2015, CENAD • Bratislava, Slovakia
 - EU institutions and procedures (module PRES MAXIMUM)
 - 1 – 2 July 2015 • Bratislava, Slovakia
- EU Accession to the European Convention on Human Rights after the CJEU's Opinion
 - 26 January 2015, ERA • Brussels, Belgium
- The Charter of Fundamental Rights of the European Union in Practice
 - 28 February – 1 March 2013, ERA • Barcelona, Spain
- XXV FIDE Congress
 - 30 May 2012 – 2 June 2012 • Tallinn, Estonia
- EU Accession to the European Convention on Human Rights
 - 30 January 2012, ERA • Brussels, Belgium
- State Liability 20 Years after Francovich
 - 1 – 2 December 2011, ERA • Trier, Germany
- Preliminary question in European law: The clever one asks...
 - 29 September 2011 • Bratislava, Slovakia
- 18th Summer Course on Space Law and Policy
 - 31 August 2009 – 11 September 2009 – European Center for Space Law (ECSL) / Nova di Lisboa University • Lisbon, Portugal
- LEGIS - Legal Aspects of Information Society
 - 3 – 14 September 2007, Işık University • Istanbul, Turkey

JOB-RELATED SKILLS

Language proficiency

Mother tongue(s) Slovak

Other language(s)

	COMPREHENSION		ORAL SKILLS		WRITTEN SKILLS
	Oral	Reading	Conversational skills	Oral fluency	
Czech	C2	C2	C2	C2	B2
German	C2	C2	C2	C2	C2
English	C2	C2	C2	C2	C2
French	B2	C1	B1	B1	B1

German – bilingual high school graduation certificate, specialised state language exam, natural sciences (2003)

English – Certificate of Proficiency in English (2010)

French – course certificate (2023)

Ability to perform judicial duties

Ability to analyse and solve legal issues

- high flexibility and ability to adapt quickly to any new field of law, used daily in the context of EU litigation with a view to get the position of Slovakia over, in writing or orally, to the Court in concrete proceedings concerning all different and constantly varying fields of law
- coping with legally complex situations, not only when litigating before the CJEU, but also when working for the ESM on the edge between EU law and international law, with a flavour of corporate law
- long-year experience with CJEU procedural law and its application in proceedings of all kinds – contradictory, opinion and preliminary ruling proceedings
- integrity, professionalism and engagement • sense for detail, context and connections • creative problem- and solution-oriented thinking • ability to express oneself in a precise, accurate and well structured way, be it orally or in writing, including in foreign languages

Agent (or co-agent) in following CJEU cases:

- C-603/19 *Úrad špeciálnej prokuratúry* • C-709/18 *UL and VM* •
 - C-447/18 *Generálny riaditeľ Sociálnej poisťovne Bratislava* •
 - C-262/18 P and C-271/18 P *Commission and Slovakia/Dôvera zdravotná poisťovňa* •
 - C-302/17 *PPC Power* • Opinion 1/17 *CETA* • C-638/16 *PPU X and X* •
 - C-389/15 *Commission/Council (Revised Lisbon Agreement)* •
 - C-243/15 *Lesoochránárske zoskupenie VLK* • Opinion 2/15 *Singapore* • C-472/11 *Banif Plus Bank* •
 - T-217/17 *FVE Holýšov I ea./Commission* • T-243/07 *Poland/Commission* •
- further four proceedings, in which Slovakia did not participate after all, which were removed from register or where the Court did not name the representatives in its decision

Involved in Slovak government's representation in numerous CJEU proceedings, including the following:

- C-857/19 *Slovak Telekom* • C-177/19 P *Germany ea./Commission* • C-213/19 *Commission/UK* •
- C-810/18 *DHL Logistics (Slovakia)* • C-594/18 P *Austria/Commission* •
- C-376/18 *Slovenské elektrárne* • T-101/18 *Austria/Commission* • C-623/17 *Privacy International* •
- C-420/16 P *Izsák and Dabis/Commission* • C-626/16 *Commission/Slovakia* •
- C-533/16 *Volkswagen* • T-356/15 *Austria/Commission* •
- C-593/15 P and C-594/15 P *Slovakia/Commission* • T-147/15 *Czechia/Commission* •
- C-168/15 *Tomášová* • T-779/14 *Slovakia/Commission* • T-678/14 *Slovakia/Commission* •
- T-453/14 *Pannonhalmi Főapátság/Parliament* • T-650/13 *Lomnici/Parliament* •
- T-646/13 *Minorty SafePack/Commission* • T-529/13 *Izsák a Dabis/Commission* •
- C-409/13 *Council/Commission* • Opinion 2/13 *ECHR II* • Opinion 1/13 *Hague Convention* •
- C-40/12 P, C-50/12 P and C-58/12 P *Gascogne ea./Commission* • C-399/12 *Germany/Council* •
- C-370/12 *Pringle* • C-43/12 *Commission/Parliament and Council* •
- T-262/07 *Lithuania/Commission* • T-248/07 *Czechia/Commission* •
- T-247/07 *Slovakia/Commission* • C-331/11 *Commission/Slovakia* •
- C-584/10 P, C-593/10 P and C-595/10 P *Commission ea./Kadi* • C-364/10 *Hungary/Slovakia*

Examples of relevant activities and achievements in the current position:

- various legal analytical inputs related for instance to the ESM's mandate, the succession of the Managing Director, the decisions of the German Federal Constitutional Court on NGEU and ESM reform, and similar
- securing of functioning of the ESMAT (ESM Administrative Tribunal) from the institutional perspective
- significant share in the organisation and content concept of the legal conference „Pringle and beyond: lessons from 10 years of ESM-related court decisions“

Ability to work as part of a team in an international environment

Broad spectrum of successful activities in multilingual, multinational and interdisciplinary environments, including team work:

- summer schools in Portugal and Turkey with international participation during university studies in Austria, which also included team projects (18th Summer Course on Space Law and Policy; LEGIS - Legal Aspects of Information Society)
- student helper to the Austrian foreign ministry in the UN in Austria (delegate in UN COPUOS subcommittees)
- Slovak Government's representation, covering daily cooperation in the closer team within the Office of the Head Agent of Slovakia before the EU Courts, as well as interaction with representatives of the line ministries and other relevant Slovak authorities, EU institutions and other Member States – court proceedings, infringement procedures, activities related to the WP Cour, preparation of the Agents' meeting during SK PRES in September 2016, as well as tasks related to the preparation and coordination of CJEU jurisprudence summaries
- work for the European Stability Mechanism (around 220 employees from 45 countries all around the world), which daily requires cooperation in various teams depending on the task, internally and externally, as well as horizontally and vertically (for example – cooperation related to the meetings of governance bodies, preparation of collective analytical materials, securing the ESMAT functioning and organisation of legal conference)

- Ability to manage a team
- regular and effective substitution of my superior (Slovak head agent before the CJEU) in case of her absence as her unwritten deputy while working at the Slovak Ministry of Justice (team of seven colleagues)
 - long-year experience with selecting new Slovak EU litigation team members (preparation of tests and other materials, participation in selection committees, guidance during their induction periods – mentoring)
- IT skills
- software ► Microsoft Windows • Microsoft Word • Microsoft OneNote • Microsoft Excel • Microsoft Powerpoint • Microsoft Outlook • Microsoft SharePoint • Adobe Acrobat • VPN • Citavi • internet browsing • video conferencing and team collaboration tools
 - legal databases ► EUR-Lex • InfoCuria • HUDOC • RIS - Rechtsinformationssystem des Bundes • Slov-Lex • LexisNexis • beck-online DIE DATENBANK • RDB Rechtsdatenbank
 - further skills ► programming basics • knowledge organisation • content creation • electronics

ADDITIONAL INFORMATION

- Scholarly activities
- **EU Law Live** • analysts' network member • October 2020 – current
 - **European Law Institute (ELI)** • individual fellow • December 2020 – current
 - **Friends of ERA Association** • member • June 2022 - current
 - **European Society for International Law (ESIL/SEDI)** • member • October 2022 – current
 - **Česká Společnost' pro Evropské a Srovnávací Právo (Czech Society for European and Comparative Law)** • member • June 2023 – current

Publications, articles and lectures given at conferences

Articles and publications

- Bundesverfassungsgericht on NGEU and ESM reform: Is the German Constitutional Court (legally) avoiding its EU counterpart? • 2023, EU Law Live, Op-Ed
- The (N)ever-Ending Story of EU's Accession to the ECHR? A Few Remarks and Reminders • 2021, EU Law Live, Weekend Edition No 83
- Publication of Written Observations in Advisory Opinion Cases by the EFTA Court: Does the Transparency Come at Price? • 2021, EU Law Live, Op-Ed
- ECtHR Advisory Opinion and CJEU Preliminary Ruling Proceedings: What Does the 'Duck Test' Reveal? • 2021, EU Law Live, Weekend Edition No 46
- Hearings 1.1: Remote Appearances before the Court of Justice • 2021, Chapter 35 in D. Utrilla and A. Shabbir (ed.), EU Law in Times of Pandemic. The EU's Legal Response to COVID-19, EU Law Live Press, 2021
- Future of the EU's Court System – Some Exclamation and Question (Re)Marks • 2020, EU Law Live, Op-Ed
- The Conditional Payment of EU's Own Resources: from Tales to Clearly Defined Tool • 2020, EU Law Live, Op-Ed
- Hearings 1.1: Remote Appearance before the Court of Justice • 2020, EU Law Live, Weekend Edition No 20
- Streaming of Hearings: a Tough Call for the Court of Justice • 2020, EU Law Live, Weekend Edition No 13
- CJEU – Brief Review of Court's New Practice Directions • 2020, EU Law Live, Analysis

Active participation in seminars and conferences

- *Pringle* and beyond: lessons from 10 years of ESM-related court decisions • 30 June 2023, European Stability Mechanism • Luxembourg, Luxembourg
 - co-organiser and moderator of the panel: *Pringle* and other European cases
- EU Litigation for Agents in Practice • 22 to 24 September 2021, ERA • Online conference
 - contribution: The use of technology during the COVID-19 pandemic: lessons learned for the future to come
- Preliminary ruling procedure – initiation and decisions • 26 May 2021, Slovak Bar Association • Webinar
- Introduction to the preliminary ruling procedure – stopover at the Court of Justice • 17 June 2020, Slovak Bar Association • Webinar
- Preliminary ruling procedure – stopover at the Court of Justice • 23 October 2019, Slovak Bar Association • Bratislava, Slovakia

- cycle Access of public to justice in environmental matters • Contribution: The Court of Justice as a partner for dialogue
 - 9 September 2020, Supreme Court of the Slovak Republic • Bratislava, Slovakia
 - 24 May 2019, Regional Court • Nitra, Slovakia
 - 21 June 2019, Regional Court • Prešov, Slovakia

OTHER INFORMATION

- **Tech and machinery** • Careful enthusiast for modern and information technologies, licensed to drive on land almost everything from a motorbike to a lorry including trailers, but also holding skipper licenses for sea and for inland waters.
- **Outdoor** • Hardly could live without traveling, recreational sport and all kind of outdoor activities, especially connected to water. Elementary knowledge in bush-craft and wilderness survival.
- **Music** • Not just listening, but also playing - mainly violin and guitar.