

# ROFES i PUJOL, Maria Isabel

March 2019

## Personal Information

Date of birth : July 1, 1956  
Place of birth : Reus (Tarragona) Spain  
Nationality : Spanish  
Gender : Female

Current position : **Deputy Chair of the Early Detection and Exclusion System (EDES) Panel referred to in articles 93 and 143 of the European Union's Financial Regulation (Regulation 2018/1046)**  
Appointed for a mandate of five years from 5 July 2016

## Education

1981 : **'Licenciatura en Derecho'** (full law degree)  
University of Barcelona.

1983 : **Specialisation in International Commerce.**  
Based at the Commercial Office of the Spanish  
Embassy in **Mexico.**

1985 : **Course on the European Communities. Barcelona.**  
Degree conferred by the Spanish Foreign Ministry and the  
Barcelona Chamber of Commerce.

1986 : **Course on the legal and economic aspects of  
European integration. Barcelona.** Degree conferred by  
the 'Escola d'Administració Pública de Catalunya'

1992 : **Course in English Legal Methods, Summer School.**  
University of **Cambridge (UK).**

1998 : **Course on management techniques** organised by the  
European Commission in **Luxembourg.**

2015 : International Association of Lawyers Training Course:  
**Mediating the Melodrama of Conflict. Advanced  
coaching skills.** Paris.

## Languages

**Spanish and Catalan:** Mother tongues.

<b>French</b>	:	Excellent, written and spoken. 'Diplôme de base' and 'perfectionnement' conferred by the 'Institut Français de Barcelona' (1973/74). Levels A to D at the 'Escuela Oficial de Idiomas' in Barcelona (1970-1974).
<b>English</b>	:	Excellent, written and spoken. Levels A to D at the 'Escuela Oficial de Idiomas' in Barcelona (1974-1978). Diploma in English delivered in 1982 by 'Bénédict School of Languages', highest level, grade excellent.
<b>Italian</b>	:	Good comprehension.
<b>German</b>	:	Basic knowledge.

## **Work Experience**

**Participation as expert in the external audit organised by the European Parliament to examine the working methods of its Advisory Committee dealing with harassment complaints between Accredited Parliamentary Assistants and Members of the European Parliament**

**Commenced in June 2018. Completed in January 2019**

**From July 2016 onwards: Deputy Chair of the EDES Panel referred to in Articles 93 and 143 of the European Union Financial Regulation (Regulation 2018/1046). Brussels.**

Appointed by the European Commission for a term of five years, non-renewable.

Working languages: English and French.

Part-time position: the job involves an average of three to four days of work per month.

The Panel plays an advisory role in imposing administrative sanctions, namely the exclusion from the award of European Union funds and/or the imposition of financial penalties, on unreliable economic operators.

Key elements of the panel are: the competence to centrally assess all requests for administrative sanctions by the authorising officers of the European Union institutions and the power to adopt recommendations on these administrative sanctions and the publication of the final decision to be taken by the competent authorising officer.

**From September 2009 until April 2016: Judge at the European Union Civil Service Tribunal (EUCST) in Luxembourg. Elected President of Chamber in October 2011 for a period of three years.**

[http://curia.europa.eu/jcms/jcms/p1\\_217428/en/](http://curia.europa.eu/jcms/jcms/p1_217428/en/)

Working languages: French and English.

The EUCST, which was abolished in the summer of 2016, exercised at first instance jurisdiction in disputes between the Union and its employees. It consisted of seven full-time judges appointed by the Council of Ministers of the European Union by unanimity for a period of six years. Judges were chosen amongst persons whose independence was beyond doubt and who possessed the ability required for appointment to judicial office.

The EUCST worked in chambers of three judges, in full court and, occasionally, as a single judge. The procedure before the EUCST was governed inter alia by the Statute of the Court of Justice and its own Rules of Procedure.

Any of the 23 official languages could be used to lodge an application before the EUCST. The judges wrote judgments and orders in French, which were then translated into the language chosen by the applicant.

The written stage of the procedure, as a rule, comprised of only one exchange of written pleadings. The oral procedure could not be dispensed with unless there had been a second exchange of written pleadings and the parties had agreed. The decisions of the EUCST were subject to appeal before the General Court of the European Union limited to points of law.

**February 2006-September 2009: Qualified Member of the Board of Appeal** of the Community Plant Variety Office.

**From January 1995 to August 2009: Référendaire (law clerk) at the Court of Justice of the European Union in Luxembourg.**

**May 2004-August 2009: law clerk** to Judge Lõhmus, member of the Court of Justice of the European Union.

Working languages: French and English.

My main duties varied depending on whether Judge Lõhmus had been designated Judge-Rapporteur or was simply a member of the chamber determining a case.

In the former, I took responsibility for the cases that were assigned expressly to me within the chambers. Following consideration of the written pleadings, I drafted, on behalf of Judge Lõhmus, the preliminary report, which contains recommendations as to whether a preparatory inquiry should be undertaken and as to the chamber to which the case should be assigned. It also contains recommendations as to whether to dispense with

a hearing and/or with the Opinion of an Advocate-General. If a hearing was organised, I wrote the report for the hearing, which would then be served on the parties, and attended the oral proceedings.

When the case was ready for deliberation, I prepared, on Judge Lõhmus' behalf: i) the statement of intentions, to be distributed to the members of the chamber determining the case, which indicated whether the Court should endorse the reasoning of the Advocate-General, ii) the draft judgment, and iii) Judge Lõhmus' reactions to any dissenting opinions which arose during the deliberation (*notes en délibéré*). At this particular stage of the procedure I often became involved in negotiations, sometimes complex, with the law clerks responsible for the case on behalf of the other judges, in order to reach an agreement.

For the cases where Judge Lõhmus was simply a member of the chamber determining the case, I prepared the hearing with him and, having considered the Opinion of the Advocate-General, examined the draft judgments and orders written by the Judge-Rapporteur. Where appropriate, I proposed, under Judge Lõhmus' direction, alternative solutions or a different reasoning.

In 2008, when Judge Lõhmus was designated as President of the Seventh Chamber I was, as head of his chambers, directly associated with organising and following the deliberations and with managing the work of one of the chambers the Court of Justice composed of three judges.

**January 1995-April 2004: legal clerk** to Mr. Ruiz-Jarabo Colomer, Advocate-General at the Court of Justice of the European Union.

Working languages: Spanish, French and English.

My principal duty was to write, in Spanish, draft Opinions in all of the cases that were assigned to me within the chambers. First, I would analyse the observations and the oral submissions and consider the facts, relevant legislation and case law. Secondly, I would identify the issues to be addressed. Thirdly, I would present to the Advocate-General a draft Opinion. The draft would consist of a comprehensive analysis and a proposed solution to the case, be it a preliminary ruling, a direct action or an appeal. My duties included revising the French and English translations of the Opinions as well as training, supporting and advising the chambers trainees.

**September 1986-December 1994: I was employed as a lawyer** at the research department of the Court of Justice, where I worked in French and English with a team of lawyers from all of the Member States. My tasks included writing reports on Spanish and European Union law in relation to cases pending before the Court of Justice and the General Court; analysing the Court's case law in the fields of free movement of workers, social security and social policy; preparing the Digest of the case law in the

aforementioned fields as well as the index for the EC Law Reports, and analysing Spanish judgments applying European Union law.

**April 1984-August 1986: Member of the Legal Service** of the Ministry of Industry and Energy of the Catalan Government in Barcelona. I was responsible for the drafting of Acts and Regulations; writing reports and notes; formulating responses to administrative appeals; preparing the necessary documents for the legal defence of the Ministry; monitoring compliance with rules on public procurement contracts; drafting and follow-up of private-law contracts and, generally, providing legal assistance to various departments within the Ministry.

Working languages: Catalan and Spanish.

**January-December 1983:** I received a **grant** from the Spanish Ministry of Economy and Finance **to specialise in international trade** and spent the year working at the Commercial Office of the Spanish Embassy in Mexico. I prepared several reports on the public and private Mexican debt with regard to Spain and other industrialised countries; wrote quarterly economic reports comparing trade between Mexico and Spain and between Mexico and other industrialised countries; collaborated with the teams of Spanish officials responsible for renegotiating the debt with the Mexican authorities and monitored Spanish private investments in Mexico.

Working languages: Spanish and English

**1981:** After obtaining my law degree, I began to **work for the law firm Riumalló i Guilà in Barcelona**. I stopped at the end of 1982 as I was leaving for Mexico. On my return, at the beginning of 1984, I resumed work there on a part-time basis until I joined the Court of Justice of the European Union in September 1986.

April 1985: **called to the bar** (Colegio de abogados de Barcelona. Registration number 13576).

## Teaching Experience

May 2016	<b>Lecturer</b> at the seminar for members of the judiciary of the Member States organized in Barcelona by the Academy of European Law (ERA), on behalf of the European Commission, on: 'Applying EU Anti-discrimination law'. Presentation: <b>'Applying EU law in domestic proceedings &amp; requesting a Preliminary Ruling'</b> .
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November 2013, 2014 et 2015	<b>Lecturer</b> at the master's degree in 'Diplomacy and International Civil Service', organized by the University of Barcelona. Taught: 'Litigation between the European Union institutions and their employees.
October/ November 2005	<b>Visiting professor</b> at the <b>Institut d'Études Politiques</b> in Paris (Sciences Po), teaching theory and practice concerning free movement of persons, social security for migrant workers, and free movement of services within Member States in the field of medical care.
November 2005	<b>Lecturer</b> at a <b>training course for members of the judiciary</b> in European Union labour law organised by Consejo General del Poder Judicial (CGPJ) in <b>Murcia</b> . Presentation: ' <b>La libre circulación de trabajadores en la Unión Europea, después de la ampliación de 2004</b> '.
November 2000	<b>Lecturer</b> at the seminar organised by the Madrid association of lawyers specialised in labour law. Presentation: ' <b>La libre prestación de servicios y el derecho a asistencia sanitaria transfronteriza con cargo a los regímenes nacionales de seguridad social</b> '.
September 2000	<b>Lecturer</b> at the seminar organised by Universidad de <b>Murcia</b> on: 'La Política Social Europea'. Presentation: ' <b>La igualdad de oportunidades en Europa</b> '.
1993 – 2000	<b>Visiting professor</b> at the Law Faculty of the ' <b>Universidad Autónoma de Barcelona</b> ' teaching a 20-hour course on: 'Actions brought before the Court of Justice' (judicial review of European Union acts), as part of the European Union law master's degree studies.
1995 and 1999	<b>Lecturer</b> in courses organised in <b>Madrid</b> and <b>San Sebastián</b> on 'Equal Opportunities for Men and Women' by 'Instituto de la Mujer'.
1994 – 1998	<b>Lecturer</b> in training courses for lawyers in European Union law organised by the <b>Madrid Bar Association</b> .
1994 – 1998	<b>Lecturer</b> in training courses for lawyers in European Union law organised by the <b>Zaragoza Bar Association</b> .
December 1995	<b>Speaker at a round table</b> organised in <b>Madrid</b> by the Spanish Ministry of Social Affairs on: 'Legislación y jurisprudencia en el

marco de la igualdad de oportunidades’, following the delivery by the Court of Justice of the European Union of the **Kalanke** judgment. Subject discussed: ‘**Acciones positivas para combatir la desigualdad de las mujeres: situación en los países de la Unión Europea**’.

- September 1995      **Speaker** at the conference organised in **Stockholm** by the **Academy of European Law (ERA)** about ‘Social Welfare at Stake? Implications and perspectives of membership of the European Union’. Presentation: The Court of Justice of the European Union’s case law on Regulation 1408/71: Health care, sickness and maternity, invalidity, old age pensions, family allowances, unemployment.
- From 1992            Regular collaboration with the CGPJ as **lecturer in training courses for judges** in European Union law (1992, **Vitoria**); (1993, **Tarragona**); (1993 and 1994, **Oñate**); (1995 and 1996, **Bilbao**); (1996, **Barcelona**); (1998, **Madrid**); (2000, **Málaga**); (1999, 2000 and 2003, **Murcia**).
- 1986                   **Lecturer** at the conference on European Union Rules on Environment and Consumer Protection, organised by the **Barcelona City Council** and the Federation of municipalities of Catalonia.

## **Publications**

- 2012                   ‘El Contencioso de la Función Pública de la Unión Europea’. Chapter 10 of the book ‘Sistema Jurisdiccional de la Unión Europea’. Volume V of ‘Tratado de Derecho y Políticas de la Unión Europea’, Thomson Reuters Aranzadi, Pamplona 2012 (call number at the Court’s library ACM/627).
- 2005                   ‘Cour de justice, 15 mars 2005, Bidar: aff. C-209/03’. Article in *Revue des affaires européennes* 2005 (2), p. 333-338 (Z/957).
- 2003                   ‘Los regímenes nacionales de seguridad social y la libre prestación de servicios sanitarios en la Comunidad: el estado de la cuestión’. Article in *Noticias de la Unión Europea* n° 222, p. 65 (ZX/232).
- 2002                   ‘El Tribunal de Justicia de las Comunidades Europeas: presente y futuro imperfecto’. Article in *Unión Europea Aranzadi*, XXIX n° 12, p. 15 (ZX/603).

- 1999 'El embarazo no es una enfermedad'. Article in *Aequalitas*, n° 1, p. 20.
- 1998 'Las vicisitudes de la Directiva 86/378/CEE relativa a la aplicación del principio de igualdad de trato entre hombres y mujeres en los regímenes profesionales de seguridad social: la jurisprudencia sentada por el Tribunal de Justicia de las Comunidades Europeas en la sentencia Barber y sus efectos en el tiempo'. Article in *Noticias de la Unión Europea* n° 158, p. 49 (ZX/232).
- 'La jurisprudencia del Tribunal de Justicia de las Comunidades Europeas relativa a las condiciones de despido de una mujer encinta o que ha dado a luz'. Article in *Comunidad Europea Aranzadi, suplemento Tribunal de Justicia de las Comunidades Europeas*, December 1998, p. 10 (CXIII/845).
- 1997 'El principio de igualdad de trato entre hombres y mujeres en lo que se refiere al acceso al empleo, a la formación, a la promoción y a las condiciones de trabajo: excepciones'. Section in *Derecho comunitario: análisis jurisprudencial*. Vitoria 1997, p. 293 (AML/210).
- 1995-2012 Writing of bi-annual reports on European Union case law for the review *Cuadernos Europeos de Deusto* (Z/913).
- 1995-2000 Writing of quarterly reports on European Union case law for the review *Revista del Poder Judicial* (ZX/197).
- 1995 'La cuestión prejudicial ante el Tribunal de Justicia: una vía privilegiada de diálogo entre jurisdicciones'. Section in *Ordenamiento jurídico comunitario y mecanismos de tutela judicial efectiva*. Vitoria 1995, p. 153 (ACM/333).
- 1994 'El artículo 177 como factor de aplicación progresiva del derecho comunitario: aproximación a la política social'. Section in *Derecho comunitario: la cuestión prejudicial*. Vitoria 1994, p. 59 (DR/69).
- 1993 'Libre circulación de trabajadores y normativa comunitaria en materia de seguridad social'. Section in *Derecho comunitario*. Vitoria 1993, p. 439 (AML/123).
- 1989 'La inserción de las Comunidades Europeas en la sociedad internacional vista a través de la jurisprudencia de su Tribunal de Justicia'. Section in *Contribución de las organizaciones, tribunales y parlamentos internacionales a la elaboración de derecho internacional*. Buenos Aires, 1991 (IEZ/7).



## **Other responsibilities**

- Represented the EUCST at the workshop on "Financial consequences of harassment cases in the European Institutions", organized by the European Parliament Committee on Budgetary Control in Brussels, on 22 September 2015.
- Represented the EUCST at the conference organized by the International Monetary Fund to celebrate the 20<sup>th</sup> anniversary of its Administrative Tribunal, held in Washington, DC, in April 2014.
- May 2011: I was part of the delegation of the EUCST in the official visit to the Supreme Court of Hungary.
- Organized and participated in the official visit of the members of the EUCST to the Supreme Court and the Constitutional Court of Spain.
- Attended, by personal invitation, the European Conference on Social Security, organised in Sweden, in June 1996. Subject: '25 years of Regulation (EEC) No 1408/71'.
- Represented the Court of Justice of the European Union at the Conference «Transformation du travail et devenir du droit du travail» organised by the European Commission in Nantes (France), in 1997.
- Attended, by personal invitation, the European Conference on Social Security, organised in the Netherlands, in October 1997. Subject: 'Meeting the Challenge of Change'.