

Tomasz Tomczak

PhD, LL.M., LL.M.

Attorney at Law



Address (Poland)

Hallera 40a/21
Wrocław 53-324

Telephone

+48 785-747-123

E-mail

tomasz.tomczak@uni.opole.pl

ABOUT ME

A person with PhD title (*cum laude*), three LL.M. titles (Polish, Dutch, Canadian) and more than 8 years of professional experience as an attorney at law. An expert in the field of secured transactions law and crypto-assets.

WORK EXPERIENCE

10.2020 – present

University of Opole (Poland) – Associate Professor

Providing classes for students on i.a. capital markets law, private banking law and secured transactions.

10.2020 – 02.2024

Sendero Tax & Legal – Attorney at Law

Of counsel in reference to my expertise fields.

09.2019 – 02.2024

Kowalik Kosecka & Partners – Attorney at Law (part-time) – since 01.2024 only of counsel

Providing legal services for investment processes.

11.2018 – 08.2019

SQUARE Legal – Associate
(before: **Putz & Skrobich**)

Providing ongoing legal advice to companies, especially in the fields of corporate law, contract law and new technologies. Drafting contracts, pleadings and legal opinions in reference to the above mentioned fields.

05.2015 – 07.2017

Wiewiórski Legal – Trainee attorney at law

Member of the Banking & Finance team, who worked on matters relating to establishing security for debts, company law, consumer protection, commercial insurance and private international law.

As part of the Banking & Finance team, I was involved in the provision of services relating to bank loan agreements, both various types of individual ones (capex, refinancing and revolving facilities, overdrafts, loans to finance real estate acquisitions, etc.) and intercreditor agreements (club deals and common terms agreements). I also assisted in establishing and servicing various

types of loan security (e.g. mortgages, miscellaneous pledges or security assignment).

FOREIGN LANGUAGES

English

C1/C2 (Including legal English).

Completion of legal English course at the University of Wrocław and studies abroad (in the Netherlands and in Canada). Two master's theses in English. TOEFL certificate.

French

B1/B2 (still learning).

EDUCATION

2015 – 03.2020

PhD studies at the University of Wrocław in the Department of Business and Commercial Law. The PhD dissertation found outstanding (*cum laude*).

Providing the following courses for students:

- 1) *Commercial law;*
- 2) *Consumer protection law;*
- 3) *Insurance law;*
- 4) *Partnerships and Corporations (classes in English).*

2018 – 2019

Programme in European Private Law for Postgraduates (Max Planck Institute for Comparative and International Private Law, **Cambridge**, Genuei, Katowice, Kraków, Leuven, Münster, Valencia and Wrocław).

2017 – 2018

LL.M. studies at the University of Ottawa.

Edward Barry McDougall Memorial Scholarship recipient.

2014 – 2015

LL.M. studies at the Radboud University in Nijmegen.

Track: European Business Law.

2010 – 2015

Full-time studies at the University of Wrocław - **Master of Law.**

Graduated with highest grade point average among all law students in the 2010-2015 cohort.

**RESEARCH STAYS,
VOLUNTARY SERVICE
AND ORGANISATIONS**

11.2024	One-month research stay at the Frankfurt School of Blockchain.
9.2024	<i>Erasmus+ Staff Mobility</i> – providing classes for students regarding the Cape Town Convention at the University of Burgundy, France.
03-05.2024	UNIDROIT scholarship – research stay in Rome.
02.2022 – 09.2024	One of two research supervisors of the Students' Research Club devoted to financial markets (operating at the University of Opole).
02.2023	<i>Erasmus+ Staff Mobility</i> – providing classes for students regarding the Cape Town Convention at the University of Foggia, Italy.
07.2022	<i>Erasmus+ Staff Mobility</i> - one week research stay at the Pannasastra University of Cambodia to exchange experiences regarding comparative research.
01.2022	<i>Accessoriness of the Cape Town international interest</i> – one month research stay at the International Institute for the Unification of Private Law (UNIDROIT) in Rome.
12.2021	<i>The problem of entity separation in case of accessory security rights</i> – Campus France scholarship (one month research stay at the Université Toulouse 1 Capitole, France).
09.2021	<i>Erasmus+ Staff Mobility</i> – providing classes for students regarding the Cape Town Convention at the Université Côte d'Azur, France.
03-04.2021	<i>Compared practical case on Natural Person insolvency and discharge on the frame of Directive 2019/1023 transposition</i> – Shared Tutored Project organized by the University of Valencia in cooperation with the University of Opole and the

	University of Mainz.
2017 – 2018	Member of the Human Rights Clinic of the Human Rights Research and Educational Centre at the University of Ottawa. <i>Participation as a volunteer research student for the project supporting the mandate of the United Nations Special Rapporteur on the Independence of Judges and Lawyers.</i>
2013 – 2015	Member of Students' Research Club at the University of Wrocław devoted to commercial law.
2010 – 2015	Member of the student organisation ELSA Poland.
06.2013	Participant in the European Union program Youth Exchange in Estonia.
2012	University of Wrocław – Student Legal Clinic. <i>Drafting legal opinions and providing legal advices.</i>
2010 – 2013	Year representative of full time law students.

DISTINCTIONS AND GRANTS

11.2024	Research stay at the Frankfurt School of Blockchain (selected researcher).
2024	Scholarship of the Polish Minister of Science for outstanding young researchers.
03.2024-05.2024	Forthem Academy for Early-Stage Researchers. Secondment placements for postdoctoral researchers (selected researcher).
03.2024-05.2024	UNIDROIT scholarship – three months research stay at the UNIDROIT facility.
2024	Rector's scholarship for the academic activity in the academic year 2023/2024 (University of Opole).
2023	Rector's scholarship for the scientific activity in academic year 2022/2023 (University of Opole).

2022	Nomination in the “ <i>Rising Stars Lawyers - leaders of tomorrow</i> ” competition (Wolters Kluwer Poland, eleventh edition).
01.2022	Research stay at the UNIDROIT in Rome (selected researcher).
12.2021	Campus France Scholarship.
2020	Distinction of the PhD dissertation (<i>cum laude</i>).
2017-2018	Programme in European Private Law for Postgraduates (a selected PhD student).
2017-2018	Edward Barry McDougall scholarship.
2016-2020	Rector Scholarship for the best PhD students.
2015	The best law student of the 2010-2015 year (the highest grade point average).

PUBLICATIONS

(some in Polish some in English, titles provided in English)

2025	<p>UNIDROIT Principles of International Commercial Contracts: A Powerful Instrument that Unites rather than Further Divides, FORTHEM Journal, 2025/2. Publication in English.</p> <p>T. Tomczak, T. Weck, <i>Change of the AML/CFT regulatory landscape for crypto-assets – EU, Polish and German perspectives</i>, ZdiW - Zeitschrift für das Recht der digitalen Wirtschaft 2024/7. Publication in English.</p>
2024	<p><i>Directive 2019/1023 - Evolution or Revolution for Polish insolvency law?</i> [in:] Derecho europeo de la insolvencia: armonización, reestructuración y exoneración de deudas Publisher: Tirant editorial (ed. Carlos Gomez Asensio). Publication in English.</p> <p><i>Application of the MiCA regulation to Bitcoin – Monitor Prawa Bankowego 7-8/2024.</i></p>

'Advantages' of distributed ledger technology and the DLT Pilot Regime - Przegląd Ustawodawstwa Gospodarczego 5/2024. Publication in English.

2023

French security agent – Państwo i Prawo 11/2023.

Locus Standi of a Share Pledgee to Challenge Resolutions of the General Meeting of a Joint-Stock Company – Przegląd Prawa Handlowego, 7/2023.

Evolution of the definition of crypto-assets and three sub-categories of crypto-assets in the MiCA regulation – Przegląd Prawa Handlowego, 3/2023.

Accessoriness of Cape Town international interest – Uniform Law Review, 4/2022. Publication in English. Journal published by Oxford Academics.

The substantive scope of the MiCA RegulationThe substantive scope of the MiCA Regulation - The Voice of Law - Allerhand Law Review 2023, v 6, no 1.

Reduction of a Contractual Penalty in an Action for Reimbursement of Said Penalty. Commentary on Judgment of the Regional Court in Olsztyn of 5 December 2018, IX Ca 758/18 – Glosa, 1/2023.

2022

Contract Law in East Central Europe (book) – author of four subchapters (Unfair Contract Terms; Contracts for the benefit of third parties and the action directe; Changes in Circumstances: Frustrated Contracts and Legislative or Judicial Modification of the Contract; Assignment). Publication in English.

The Institution of Security Agent: A Comparative Study of Polish and French Laws – European Business Law Review, 33/7/2022. Publication in English.

The Openness of Civil Court Proceedings in the Time of the COVID-19 Pandemic – Acta Univ. Sapientiae, Legal Studies, 10(2)/2021. Publication in English.

The UNIDROIT Convention on International Interests in Mobile Equipment as the direction for security rights regulations in the COVID-19 economy - Acta Iuris Stetinensis, 1/2022. Publication in English.

Crypto-assets and crypto-assets' subcategories under MiCA Regulation – Capital Markets Law Journal, 17(3)/2022. Publication in English. Journal published by Oxford Academics.

Developer agreement – the beginning of the period for finding defects in a flat, a single-family house and land - @Nieruchomości, 2/2022.

The New York regulatory response to virtual currency risks – The Opole Studies in Administration and Law, 4/2021. Publication in English.

2021

Developer agreement – the beginning of the period for finding defects in a building - @Nieruchomości, 5/2021.

The Enforcement of Environmental Damages Judgement as a Basis for Piercing the Corporate Veil within a Corporate Group – Problemy Prawa Prywatnego Międzynarodowego, 4/2021. Publication in English.

Does bringing an action manifestly unfounded within the meaning of Article 191¹ of the Code of Civil Procedure interrupt the limitation period? - Studia Iuridica Toruniensia, 4/2021.

Remitter's Specification and Individualization – Gdańskie Studia Prawnicze, 3/2021.

Circumstances of a case within the meaning of Art. 191¹ of the Code of Civil Procedure (clearly unfounded claim) – Monitor Prawniczy, 16/2021.

Accessory security rights in syndicated lending – the problem of entity separation, Wrocław 2021 – a

book based on my PhD dissertation.

2020

Anti-cryptocurrency narrative in public interest litigation [in:] B. Heiderhoff (ed.), I. Queirolo (ed.), *Private (International) Law in an Evolving Transboundary Society*. Publication in **English**.

Abusive clauses in Swiss franc loan agreements – analysis of the case law of the Polish Supreme Court – *Monitor Prawniczy*, 20/2020.

2019

Jurisdiction and applicable law for testamentary succession of rights in rem under Regulation 650/2012 – *Transformacje Prawa Prywatnego*, 4/2019.

Are Cryptocurrencies the New „Financial Weapons of Mass Destruction”? – *Bank & Credit*, 5/2019. Publication in **English**.

Accessoriness of security rights under Polish law – *Rejent*, 3/2019.

Some consequences of the usage of a fiduciary or trust in the case of securing syndicated lending transactions under Polish and Ontario laws – *Monitor Prawa Bankowego*, 1/2019.

2018

A private international law comparative study of the Polish ‘hipoteka’ and Quebec’s ‘hypothèque’ - *Acta Universitatis Wratislaviensis*, 112/2018.

A division of competences between Board Members as a premise excluding their liability under Art. 299 of the Code of Commercial Partnerships and Companies – *The Code of Commercial Partnerships and Companies after 15 years*, Warszawa: Wolters Kluwer Polska 2018, at 896-915.

Liability specified in Art. 299 of the Code of Commercial Partnerships and Companies and liability under Art. 21 of the Insolvency Law – *Przeгляд Prawa Handlowego*, 1/2018.

2017

Prolongation of the employment period by applying for partial maternity leave – Monitor Prawa Pracy, 9/2017.

The notion of the document form and of the document on the basis of the Civil Code and the form of the follow-up legal acts – Monitor Prawniczy, 6/2017.

The need for a parallel debt clause in the case of syndicated loans. A comparative paper in the context of Polish and Dutch law – Monitor Prawa Bankowego, 5/2017.

Common mortgage – Monitor Prawa Bankowego, 1/2017.

2016

The medical certificate as a cause of job-related illness – Monitor Prawa Pracy, 9/2016.

INTERESTS

Science-fiction books, climbing, indie rock.

GDPR CLAUSE

I hereby agree to the processing of personal data provided in this document for the recruitment process pursuant to the Personal Data Protection Act of 10 May 2018 (Journal of Laws 2018, item 1000) and the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
