



Javier García Luengo

Of counsel

Oviedo

javier.garcia.luengo@garrigues.com

Plaza de la Escandalera, 3

33003 Oviedo (Spain)

Tel: +34 98 520 86 00

Fax: +34 98 520 12 52

Administrative and Constitutional Law

Planning, Zoning and Environment

Sports

Javier García Luengo is a professor of Administrative Law, an academic adviser and Of Counsel in the Administrative Law, Planning and Zoning practice. He has extensive experience in all areas of administrative law, having advised private individuals, administrative bodies and other public sector entities in matters relating to planning and zoning, public procurement (and public sector procurement), public employment, condemnation, energy, administrative intervention in the economy and the liability of the public authorities. From an academic standpoint, he teaches at the Faculty of Law of Universidad de Oviedo and on the Master's Degree for Access to the Legal Profession organized by the Oviedo Bar Association. He is also a guest lecturer at a number of academic and professional institutions in Spain and abroad. He has published seven monographs and around one hundred articles, book chapters and other contributions, and is one of the most cited authors in his area of expertise.

Experience

Javier García Luengo is a professor of administrative law and has worked with Garrigues since 2007, advising both companies and individuals, as well as the public authorities and other public sector entities on a range of administrative law, planning and zoning matters, notably including:

- Advice on public sector procurement (drafting contractual documents, challenging tender specifications, lodging special appeals, applications for financial readjustment, etc.).
- Advice on condemnation matters (pleadings in relation to the resolution of necessity, assistance in the procedure for determination of just compensation, reassessments, reversions).
- Queries relating to subsidies. In particular, issues regarding justification, the consideration of the subsidy as State aid, or refund proceedings.
- Legal assistance in relation to fines imposed by the public authorities.

- Advice on public sector employment (selection procedures, filling of positions, legal assistance in drafting lists of jobs).
- Legal assistance with planning and zoning matters (advice on drawing up plans and planning instruments, on zoning management and on zoning enforcement procedures).

In particular, he has issued numerous legal opinions in a wide range of administrative law matters (procurement, planning and zoning issues, condemnation, public property, environmental law and energy law) and has participated in the preparation of draft legislation at local, regional and national level.

As a category A.1 tenured civil servant, he has chaired personnel selection tribunals and has acted as case handler in penalty proceedings.

Academic background

PhD in Law, July 1998. His thesis was on the principle of legitimate expectations in Spanish Administrative Law, which he defended before a panel chaired by Prof. Dr. Eduardo Garcia de Enterría, receiving the top rating of *summa cum laude*.

Degree in Law, June 1995, with average grade of outstanding. He received the Miguel Traviesas special prize awarded by the Faculty of Law of Universidad de Oviedo.

Teaching activity

He has taught various subjects, as lead professor, on the Degree in Law and Dual Degree in Law and Business Administration at Universidad de Oviedo since 1996 and has coordinated a great number of subjects at the university's Faculty of Law.

He also teaches on the Master's Degree in Legal Practice organized by the Oviedo Bar Association, and teaches or has taught on other master's degrees and expert courses, as well as PhD programs.

He has over 4,000 official teaching hours.

He has lectured and spoken at institutions such as the Spanish National Public Administration Institute, the "Adolfo Posada" Public Administration Institute of Asturias, the Public Administration Institute of the Canary Islands, the Public Administration Studies Center of Cantabria and the Municipal and International Cooperation Study Center under the aegis of the Granada Provincial Government (CEMCI). He has also spoken at seminars organized by institutions of recognized standing such as Universitetet i Bergen (Norway), the Max Planck Institute for Comparative Public Law and International Law, the Law Institute of Lithuania, Università degli Studi Roma Tre, Pontificia Universidad Católica de Chile and the Spanish Association of Tax Advisors (AEDAF).

He serves as an advisor for PhD theses on matters such as doping in sport, minor contracts, local officials with national authorization, and enforcement of zoning judgments. He has also supervised more than 50 end-of-degree projects (PhD, master's degree and bachelor's degree).

Memberships

Javier García Luengo is a member of the Spanish Association of Administrative Law Professors (AEPDA) and a non-practicing member of the Oviedo Bar Association.

Publications

Javier García Luengo has authored seven monographs:

- “El principio de protección de la confianza en el Derecho Administrativo” (The Principle of Legitimate Expectation in Spanish Administrative Law). Civitas, Madrid, 2001.
- “La nulidad de pleno derecho de los actos administrativos” (The Invalidity Ipso Jure of Administrative Decisions). Civitas, Madrid, 2002.
- “El recurso comunitario de anulación: objeto y admisibilidad” (Actions for Annulment in EU Law: Purpose and Admissibility). Civitas, Madrid, 2004.
- “El reintegro de subvenciones” (The Reimbursement of Public Subsidies). Civitas Madrid, 2010.
- “Las infracciones formales como causa de invalidez del acto administrativo. Un estudio sobre el artículo 48.2 de la Ley 39/2015” (Procedural Infringements as Grounds for Invalidity of Administrative Decisions. A Study on article 48.2 of Law 39/2015). Iustel, Madrid, 2016.
- “Los pliegos de cláusulas administrativas particulares” (Special Administrative Terms of Tender). Iustel, Madrid, 2022.
- “La abstención y recusación en el procedimiento Administrativo” (Abstention and Recusation in Administrative Proceedings). Iustel, Madrid, 2022.

He has also coordinated the publication of the collective work “El Derecho del Empleo Público en el Principado de Asturias” (Public Employment Law in the Principality of Asturias), Iustel, Madrid, 2012 (with contributions from 17 authors).

His close to one hundred articles, book chapters and other works published in Spanish and English include articles published in recent years in *Revista de Administración Pública*, *Revista Española de Derecho Administrativo*, *Revista General de Derecho Administrativo* and *Revista Española de Derecho Europeo*, together with contributions to books published by internationally prestigious publishers such as Hart (Oxford), various subsidiaries of Thomson Reuters (Civitas, Aranzadi, Lex Nova), Marcial Pons, Tirant Blanch and Iustel. These works have addressed issues such as cross-border administrative decisions, letters of admonition (barely analyzed by Spanish jurists) and other key practical matters, such as the nullity of penalties, the invalidity of public sector contracts, or the reduction of administrative fines due to acknowledgment of liability or voluntary payment.

Javier is among the top 3% of the most cited authors in administrative law, according to the index published by Universidad de Granada In-RECJ.

