



Miguel Loya del Río

Partner

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Administrative and Constitutional Law

Planning, Zoning and Environment

Energy

Real Estate

ESG

Miguel Loya is a partner in the Administrative Law and Planning and Zoning Department of Garrigues, where he has pursued his professional career since 1998. Lawyer specializing in administrative and constitutional law. He advises on areas such as public procurement, the electricity sector (nuclear power plants), gaming, public property, public services and concessions, coasts, supervision and control of banks and other financial institutions, transparency, protection of fundamental rights, the statutory audit regime and the Third Sector (Tercer Sector de Acción Social). He has particular experience in the operation and legal regime governing the public sector and public law corporations (Corporaciones de Derecho Público). Miguel is an expert in all types of administrative proceedings, penalty and enforcement proceedings (CNMC, CNMV, Bank of Spain, ICAC), proceedings relating to liability of the public authorities and review proceedings, and also acts as legal counsel in court proceedings in the judicial review jurisdiction and before the Constitutional Court. He also specializes in the preparation of draft legislation and has been a member of the working group for the amendment of the Spanish Transparency and Good Governance Law.

Experience

Miguel Loya has been a partner of the Administrative Law and Planning and Zoning Department of Garrigues since 2008, having joined the firm in 1998. His professional career notably includes the following practice areas and expertise:

- All aspects of administrative law relating to the procedure, legal regime, operation and property of the public authorities and of the public sector.
- Penalty and enforcement proceedings in regulated sectors (CNMC, CNMV, Bank of Spain, ICAC), in both the administrative and judicial jurisdictions. He has assisted in many of the major penalty proceedings in Spain.

- Lawsuits in the judicial review jurisdiction before all Spanish courts (administrative jurisdiction) and in all types of proceedings (appeals to higher courts, cassation appeals and special proceedings for the protection of fundamental rights).
- Appeals for protection of constitutional rights before the Constitutional Court. Legal assistance in relation to requests for rulings on unconstitutionality and conflicts of jurisdiction.
- Public procurement, administrative agreements, delegations of functions, transparency and good governance of the public sector.
- Procedures to seek the financial liability of the public authorities and the liability of the legislative body.
- Concessions (water, coasts, mines, public property, industrial concessions, etc.) and management and/or privatization of public services.
- Regulation of the electricity sector, particularly in relation to the operation of nuclear power plants (authorizations, penalty proceedings, waste, regulatory aspects of corporate transactions and acquisition of holdings with respect to energy assets or companies, etc.) and the remuneration regime.
- Legal regime governing statutory audits. Independence of auditors. Supervision and procedures before the ICAC and the Central Government.
- Gaming legislation at Spanish and European level.
- Legal regime governing the management of car parks and road infrastructures.
- Legal regime, organization and operation of public law corporations (Corporaciones de Derecho Público), as well as their dealings with the public authorities.
- He has participated in the preparation of draft legislation at both national and regional level.
- Member of the working subgroup for amendment of the Spanish Transparency and Good Governance Law.
- Miguel has participated in a great number of corporate transactions and projects related to the construction and acquisition of public service infrastructure and management companies (highways, water, hospitals, public buildings).
- He works with Third Sector entities (Tercer Sector de Acción Social), both on regulatory and judicial matters and on the legal configuration of disability law and the protection of vulnerable groups.
- He has advised on several multilateral financing projects (EU, World Bank, IDB, etc.) in Latin American countries (infrastructure, justice).
- Land planning and zoning (planning instruments and zoning enforcement).

Academic background

- Degree in Law. CEU Madrid.
- Diploma in Business Management. CEU Madrid.

Teaching activity

- Lecturer on the Master's Degree in Regulated Sectors Law. School of Legal Practice. Universidad Complutense de Madrid.

- Lecturer in Administrative Law on the Master's Degree in Disability, Personal Autonomy and Care for Dependent Persons. Universidad Internacional Menéndez Pelayo and Fundación Derecho y Discapacidad.
- He has lectured on the Master's Degree in Health Law at Universidad Europea de Madrid and taught in the administrative law internship program at Universidad Pontificia Comillas (ICADE).

Memberships

- Madrid Bar Association.
- Oviedo Bar Association.
- Fundación Derecho y Discapacidad.
- Member of the Equality and Disability Committee of the Madrid Bar Association.
- Academia Madrileña de Gastronomía.

Distinctions

- Chambers & Partners. Public Law. "Miguel Loya has a standout experience in the judicial review of sanctions imposed by the Spanish audit regulator. He also advises on contentious and non-contentious matters arising for companies in the gaming and electricity sectors."
- Legal500. Leading individual. Public Law, Spain. "(...) includes noted practitioners Miguel Loya Del Río, who focuses on regulation and litigation."
- Best Lawyers.
- Client Choice Award 2011. International Law Office. Public Law, Spain.

Publications

- "Fundamentos del Derecho de la Discapacidad" (Fundamentals of Disability Law). Thomson Reuters Aranzadi. 2020.
- "El régimen autorizador aplicable a las centrales nucleares" (The Authorization Regime Applicable to Nuclear Power Plants.) Anuario de Mercados Regulados. Tirant Lo Blanch. 2019.
- "La Ley 9/2017 de Contratos del Sector Público" (Public Sector Contracts Law 9/2017). Anales de Derecho y Discapacidad. Editorial Cinca, 2018.
- "El proyecto de Ley de Contratos del Sector Público" (The Public Sector Contracts Bill). Anales de Derecho y Discapacidad. Editorial Cinca, 2017.
- "Los principios rectores de la actuación de las Administraciones Públicas" (The Guiding Principles of the Public Authorities). Wolters Kluwer España and Iberdrola, 2016.
- "Comentarios a la Ley del Tercer Sector de Acción Social y del Voluntariado" (Commentaries on the Third Sector and Voluntary Work Law). Thomson R. Aranzadi. 2016.
- "Estudio acerca del derecho y la discapacidad en Italia" (A Study of the Law and Disability in Italy). Editorial Aranzadi. 2014.
- "Régimen Jurídico de la ONCE" (Legal Regime Governing the ONCE Organization). Thomson Reuters Aranzadi. 2013.

- “Discapacidad y contratación pública” (Disability and Public Procurement). Editorial Cinca. 2013.
- “El equilibrio económico-financiero del contrato” (The Financial and Economic Balance of Contracts). Cuadernos de Derecho para Ingenieros. Editorial La Ley and Iberdrola, 2010.
- “Comentarios y Concordancias a la Ley de Garantías y Uso Racional de los Medicamentos y Productos Sanitarios” (The Law on Safeguards for and the Rational Use of Medicinal Products and Medical Devices: Commentaries and Concordance). Thomson Aranzadi. 2007.