GARRIGUES

## Lino Torgal

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**Administrative and Constitutional Law**
Energy
Planning, Zoning and Environment
ESG

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Lino Torgal is the partner responsible for the department of Public, Energy and Environmental Law, since 2017, focusing particularly on law involving administrative concessions, public procurement, energy law and environmental law.

Lawyer and arbitrator. Graduated from the Lisbon University School of Law (Catholic Lisbon School of Law).

## Experience

Before joining Garrigues, he was the founding partner of the firm Lino Torgal & Associados, between 2015 and 2017, and a partner at Sérvulo & Associados, from 2005 to 2014 (Managing Partner between 2012 and 2014). Previously, he collaborated with the firms of Dr. Mário Esteves de Oliveira (1993-1995) and Professor Diogo Freitas do Amaral (1999-2004).

He provides ongoing advice to financial operations acting in regulated sectors (in particular, energy (electricity and natural gas), water and sewage, waste and electronic communications).

He has advised developers, financers, and awardees on multiple projects in the area of infrastructures (in particular in the port, rail, road and airport sectors), in Portugal, Latin America and Africa.

He has experience in arbitration, having been involved in the resolution of lawsuits relating to concession and other public agreements, as well as contract work and other civil or commercial agreements. He participated in such proceedings as lawyer or arbitrator. He is on the list of arbitrators of the Centro de Arbitragem Comercial da Câmara de Comércio e Indústria Portuguesa and the Instituto de Arbitragem Comercial da Associação Comercial do Porto.

He was a member of the Work Group appointed by the Joint Office of the Ministers of State and Finance and Public Works, Transport and Communication responsible for preparing the Public Procurement Code, in 2008.

He was elected as a member of the Bar Association Lisbon District Council (2005-2007).

## Academic background

- Law Degree from the Catholic Lisbon School of Law (1993).
- Harvard Law School (Leadership in Law Firms, 2013).

## Teaching activity

Since 1996 he has been lecturing in the Law Faculty of the Universidade Católica Portuguesa on various subjects of the degree (e.g. Constitutional Law, Administrative Law, Town Planning Law, Political Economy, International Economic Relations, Political Science) and, from 2007 to 2017, on the Master's in Administrative Law (Administrative Concessions and Project Finance, Public-Domain Asset Law, Administrative Business Law, Energy Law, Public Works Contracts).

He regularly lectures in postgraduate courses in the Law Faculty of the Universidade Católica (Lisbon and Oporto) and other Portuguese Law Faculties (Universidade de Lisboa and Universidade de Coimbra).

From 1995 to 1996, he was guest lecturer at the Law Faculty of the Universidade Eduardo Mondlane, Maputo, Mozambique (Introduction to Law and Constitutional Law) and, between 1998 and 2003, at the Law Faculty of the Universidade Nova de Lisboa (Administrative Law and Town Planning Law).

He has been invited to speak at numerous seminars, presentations and conferences held at university or similar institutions in Portugal and abroad (Angola, Mozambique, Cabo Verde, Brazil, Argentina, Peru, Colombia, Costa Rica and Uruguay), on various matters of Public Law and, especially, Administrative Law.

## Memberships

- Member of the Portuguese Bar Association since 1995, and the Brazilian Bar Association since 2012.
- Member of the Club Español del Arbitraje.
- Member of the Associação Iberoamericana de Regulação Económica (Madrid / Buenos Aires) since 2007.
- He was elected as a member of the Bar Association Lisbon District Council (2005-2007).

## Distinctions

He has been cited in Public Law issues by international law directories (e.g. Legal 500, Chambers & Partners).

## Publications

- "Note on the new legal framework for energy efficiency management contracts" (co-authored with Rafael Ribeiro), in (organized by Miguel Assis Raimundo) Contratos Públicos: presente e futuro, Lisboa: AAFDL, 2022, p. 77 and following."
- "Note on the regime for modifying concession contracts for public works and public services," in Revista de Direito Administrativo, No. 4, 2018, pp. 39-43."
- "On the applicable regime for the formation of concessions for oil activities and the hiring of goods and services by their concessionaires" (co-authored with Miguel Assis Raimundo), in Revista de Direito Público

da Economia - RDPE, 2015, No. 60 - October/December 2017, pp. 125-167."

- "News about Concessions", in Comentários à Revisão do Código dos Contratos Públicos, edited by Carla Amado Gomes, Ricardo Pedro, Tiago Serrão, and Marco Caldeira, Lisboa: AAFDL, 2017, pp. 865-890.
- “On the new European definition of concession (Directive 2014/23/EU)”, in Estudos em Homenagem a Mário Esteves de Oliveira, Coimbra: Almedina, 2017, forthcoming.
- “Considerations on qualifying titles for making use of public-domain port assets” (co-authored with António Cadilha), in Direito do Mar. Novas perspetivas, org. Maria da Glória Garcia/António Cortês/Armando Rocha, Lisbon: Universidade Católica Editora, 2016, pp. 207-233.
- “International competitive bidding and foreign companies: the Brazilian and European scenarios” (co-authored with Egon Bockmann Moreira and Bernardo Strobel Guimarães), in Revista de Direito Administrativo – RDA, Editora FGV, nº 269, May/August 2015, pp. 67-106.
- “Balance and perspectives of financial regulation in Portugal” (co-authored with Maria Manuel Simões), in Revista de Direito Público da Economia – RDPE, Belo Horizonte, year 13, nº 49, Jan./Mar. 2015, pp. 95-123.
- “Unpredictability in the formation stage of public contracts”, in Direito público em evolução: estudos em homenagem à Professora Odete Medauar, Belo Horizonte: Fórum, 2013, pp. 435-455.
- “The exceptional and temporary regime of the release of collateral in public contract work” (co-authored with António Cadilha), in Revista de Contratos Públicos, n.º 6, 2012, pp. 107-130.
- “Exclusive right and public activity concessions” (co-authored with João de Oliveira Geraldes), in Estudos em Homenagem ao Professor Doutor Jorge Miranda, Vol. IV, Coimbra, 2012, pp. 541-565; also published in Revista da Ordem dos Advogados, ano 72, IV – Lisbon, Out.-Dez, 2012, pp. 1095-1127.
- “Extension of the term of public service and work concessions”, in Revista de Contratos Públicos, I, Coimbra, Jan.-Apr. 2011, pp. 219-263.
- “Public work concession and direct adjustment”, in Em Homenagem ao Professor Doutor Diogo Freitas do Amaral, Coimbra: Almedina, 2010, p. 963-1026.
- “Change in Circumstances and Amendment of Proposals in Public Procurement Proceedings” (co-authored with J. M. Sérvulo Correia and Pedro Fernández Sánchez), in Estudos de Contratação Pública, III, org. Pedro Gonçalves, Coimbra: Coimbra Editora, 2010, pp. 149-200.
- “Contribution to a regime of works concession and public service procurement following unsolicited proposals” (co-authored with Marisa Martins Fonseca), in Estudos de Homenagem ao Professor Doutor José Manuel Sérvulo Correia, Coimbra: Coimbra Editora, 2010, pp. 523-571.
- “Competition Dialog”, in Desafíos del Derecho Administrativo Contenporáneo, vol. II, org. Victor Hernández-Mendible, Caracas: Edición Paredes, 2009, pp. 997-1022.
- “Public contract works under the Public Contract Code”, in Cadernos de Justiça Administrativa, n.º 64, Sept.-Oct., 2007.
- “Re-privatization of nationalized assets after April 25, 1975 – Notes on article 293 of the Constitution” (co-authored with Rui Medeiros), in J. Miranda/ R. Medeiros, Constituição Portuguesa Anotada, III, Coimbra: Coimbra Editora, 2007.
- “Public Domain - Notes on article 84 of the Constitution” (co-authored with Rui Medeiros), in J. Miranda/ R. Medeiros, Constituição Portuguesa Anotada, II, Coimbra: Coimbra Editora, 2006.

- Studies on Concessions and Other Administrative Acts (Comments), Coimbra: Almedina, 2002 (co-authored with Diogo Freitas do Amaral).
- Legal aspects of public contract works, Coimbra: Almedina, 2002 (legal advice to the Court of Arbitration deciding on the lawsuit relating to the construction of the Odeleite-Beliche hydraulic works, consisting of Professors Diogo Freitas do Amaral, Fausto de Quadros and Vieira de Andrade).
- Collaboration with Diogo Freitas do Amaral, Administrative Law, II, Coimbra, 2001 (2nd ed., 2011; 3rd ed., 2016).
- “Limits of Constitutional Review – A Luso-Brazilian Perspective”, in Themis, n.º 3, 2001, pp. 201-258.
- “On the Framework Law in the Portuguese Constitution of 1976”, in Perspectivas Constitucionais. Nos 20 anos da Constituição de 1976, vol. II, org. de Jorge Miranda, Coimbra: Coimbra Editora, 1997, pp. 907-962.