



FRANCISCO GARCÍA GÓMEZ DE MERCADO

Abogado (Attorney-at-Law)

EDUCATION: He earned a Bachelor in Law and a Degree in Catalanian Civil Law granted by the University of Barcelona in 1987, and a PhD in Law by the Complutense University of Madrid in 1997.

PRACTICE:

- Spanish Government Counsel from 1992, before the Superior Court of Justice of Madrid (1992-1997), the General Counsel directorate (1997) and the Spanish Supreme Court (1997-1998). Advisor to the Justice Department from 2004 to 2010.
- General Counsel of the Region of Madrid, member of the Madrid Consultative Board of Public Procurement and the Data Protection Agency Board, and first director of the Madrid Legal Review (1998-2000).
- Senior Associate at “Gómez-Acebo & Pombo”, in charge of the Administrative Law Department (2000-2003).
- Director of Legal Affairs at “Parque de Valdebebas”, one of the biggest urban developments in contemporary Spain, as well as Partner and Director of the Administrative Law and Urban Development at “EJ Abogados” (2004-2005).
- Senior Partner at the Administrative Law and Urban Development at “Alzaga, Gómez de Mercado & Asociados” (2006-2007).
- From December 2007 he sets up his own firm “GOMEZ DE MERCADO abogados”.

EXPERTISE:

As an Attorney he deals with both Private and Public Law issues. However, his main areas of practice are those regarding relations between Government and business and citizens (forced expropriation, liability in tort, public procurement and contracts, licences, permits, concessions, penalties, etc.), providing legal advice in the development and building process, the energy sector and legal assistance in the resolution of conflicts (negotiation, litigation, judicial review, administrative tribunals and arbitration), with a wide experience from both private and public standpoints.

In this sense, his expertise includes but it is not limited to cases such as the following:

- Legal advice for the **BP group** in various land use matters throughout Spain (works in petrol station in Granada, the Sabadell Airport or the wash tunnel of a station in Tenerife, etc.), energy regulation issues (access conflict in natural gas, bio fuel, etc.), public procurement (awarding of fuel service in airports) and taxes applied to solar energy projects.
- Several issues referred to **wind energy** (awarding of parks, regulation, infrastructure use, environment, etc.), for different clients such as Norvento.
- Legal opinion about possible **ENAGAS** gas pipeline use for different purposes.
- Legal advice to the Madrid Regional Government as regards the acquisition of artifacts coming from **Spanish ship “San Diego”** and the subsequent deposit at the Madrid Naval Museum.
- Legal advice regarding several procedures before both Local and Regional Governments of Madrid and other relevant governmental bodies and organizations as regards different plans, projects and land use instruments, particularly in the case of **“Parque de Valdebebas”**, as well as representation of the client in judicial review regarding those plans, projects and instruments.
- Legal advice regarding the tourist development **“Marina de Cope”**, in Murcia, as counsel for the Consortium created by the Regional Government of Murcia and the City Councils of Lorca and Águilas.
- Legal advice as regards expropriation, public procurement, hydrocarbons operations and quarries in **Equatorial Guinea** (which shares basically the same Law as Spain), representing American companies such as CMS Energy, Marathon Oil and Aramark.
- Expropriation project of “Las Eras” and other expropriation files for the **Town Council of Boadilla del Monte**. Representing the **Town Council of Soto del Real** relating to several judicial review proceedings on fines referred to undue land use. Advice rendered to the **Town Council of Mogán (Canary Is.)** in connection to the review of expropriation resolutions.
- Legal advice provided to **Conservation Entities** as regards possible conflicts with the Town Council.

- Legal advice for the sole owner of the land (Rottneros Miranda) for the development of the Development Area of the Highway of Logroño, in **Miranda de Ebro** (Burgos)
- Legal assistance to land owners affected by the development of **South Móstoles as well as North and South Alcorcón developing areas**.
- Advising the expropriated party in the case of “El Altillo” in **Jerez de la Frontera** (house and gardens of the González Byass family estate).
- Various files regarding the **expropriation for the construction of radial highways and other airport and transportation infrastructures** within Madrid Region (several clients, both private or public), including the concessionaire of the Highway of the Henares), as well as in other regions of Spain (i.e. representing Bodegas Vega Sicilia and other EULEN group companies as regards the Highway of the Duero or the Leon bypass).
- Legal opinion relating to certain conditions on the lands acquired by **TRAGSA**.
- Legal assistance to owners affected by Town Council proceedings related to **licences, penalties and demolition orders**.
- Legal advice for the banks which financed the first phase of Trambaix (**Tramway of Barcelona**), from an administrative and urban point of view.
- Arbitration on a **waste processing plant** in Cadiz.
- Arbitration on the sale-purchase of a plot with an **underground railway line** underneath.
- Allegations, administrative appeals and judicial review relating to **subsidies reimbursement**.

TEACHING AND PUBLICATIONS: Regularly, he acts as professor in masters, conferences and seminars in connection with his areas of practice.

He has produced many publications (several books, collaborations in collective works and articles in magazines) on several issues concerning Administrative Law, Judicial Review and Zoning Law.

Particularly, he has authored the following books (titles translated into English for your convenience):

- *Procedural problems in challenging the resolution passed by the Expropriation Jury*, Civitas Ed., 1997, 327 pages.
- *The fair price of the forced expropriation. Study of its determination and payment with special regard to urban land valuation*, Comares Ed., 1997, 7th ed., 443 pages.
- *Legislation on forced expropriation. Comments and case law*, Comares Ed., 1999, 2nd ed., 692 pages
- *Dealing with forced expropriation procedures. Public Use, Occupation and Reversion of expropriated properties*, Comares Editorial, 2nd ed., 2007, 394 pages.
- *Current scope of judicial review*, Comares Ed., 2001, 504 pages.
- *Administrative penalties. Guarantees, rights and appeals*, Comares Ed., 2004, 3rd ed., 420 pages.
- *Manual of Public Procurement and governmental Liability in Tort*, Comares Ed., 2004, 890 pages.
- *Governmental liability in tort*, Comares Ed., 2009, 309 pages.

He is also co-author and director of the following collective works (titles also translated into English for your convenience)::

- *Land property and Zoning Law. Planning and urban development. Licences and penalties. Forced Expropriation*, Comares Ed., 2nd ed., 2007
- *Governmental activities review: administrative appeals and judicial review*, Comares Ed., 2nd edition 2010.
- *Common governmental procedures*, Comares Ed., 2nd edition, 2010.

LANGUAGES: Spanish, English (advanced) Catalanian and French (basic).

PROFESSIONAL ASSOCIATIONS: Madrid Law Association, Spanish Government Counsel Association, Spanish Court of Arbitration, Civil and Mercantile Court of Arbitration, Madrid Law Association Court of Arbitration and the Arbitration Tribunal for Public Procurement.