

Borja Fernández Burgueño

Senior Associate

Madrid

Biography

Borja Fernández has extensive experience in administrative, regulatory, public procurement law and public litigation. He provides regulatory legal advice to leading companies in different sectors and defends their interests before public bodies and courts at all levels.

His strong problem-solving skills together with his academic background strengthen his ability to find innovative and well-founded solutions to complex legal issues.

He has more than twenty publications in books and legal journals (*Revista Española de Derecho Administrativo, Diario La Ley*, etc.), having collaborated, among other law books, in the Administrative Law Yearbooks published by Civitas - Thomson Reuters (2021, 2022 and 2023), in the Administrative Law Yearbooks published by *Tirant Lo Blanch* (2021, 2022 and 2023), in the Legal Sections Yearbook published by *Sepin* (2022), in the Litigation Practice Yearbook published by *La Ley* (2023) and in the Manual on the UNESCO Convention on Cultural Diversity published by *Trotta* (2016).

He has been awarded the *Prize for the best article on Public Procurement* (2020) by *Wolters Kluwer* for an article on the limits to the modification of specifications during the tendering phase published in the journal *Contratación administrativa práctica*. He has also been awarded the *Madrid Bar (ICAM) Sections Award in the "Administrative Law" category* (2021) for a work on



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Languages

Spanish
English
French

Practices

Litigation Services

Government Contracts

Public Procurement

Infrastructure, Energy, Resources,
and Projects

Government Relations and Public
Affairs

Space and Satellite

Business and Human Rights

Communications, Internet, and
Media

administrative sanctioning law and its extraterritorial effects in the EU and has been included as a *Recommended Lawyer* in the Legal 500 EMEA directory in the categories of *Public Law (2022)* and *Projects and Energy (2021)*.

Representative experience

Advice to Aena and legal design of the tender dossier for the world's largest duty-free tender with a turnover of 18 billion euros.

Preparation of tendering model specifications for the open, restricted and negotiated procedures without advertising of Banco de España.

Legal defence in several cassation appeals admitted before the Supreme Court in mining, environmental, public procurement and information society services matters.

More than twenty contentious-administrative appeals before the Supreme Court against orders to update the remuneration parameters of renewable installations.

Legal direction in several claims and contentious-administrative appeals before the Supreme Court and the National Court regarding the rebalancing of toll roads PPP concession.

Contentious-administrative actions in defence of a mining company for failure to comply with the environmental restoration plan and for quantification of the environmental restoration guarantee

Administrative and contentious-administrative appeals in first and second instance before the High Court of Andalusia against a declaration of contaminated land.

Advising on legislative reform for the liberalisation and energy transition of the railway sector.

Advising on administrative and contentious proceedings before the Madrid High Court on rebalancing due to modifications in a PPP Metro de Madrid concession.

Advising on various transactions involving the

Environment and Natural Resources

Industries

Aerospace and Defense

Energy and Natural Resources

Manufacturing and Industrials

Automotive and Mobility

Education

Education and admissions

Education

Master's Degree in Law Practice, Universidad Autónoma de Madrid

Double Degree in Law and Business Management, Universidad Rey Juan Carlos

Bar admissions and qualifications

Madrid

purchase and sale of concession companies (sports complexes throughout Spain, hospitals, transport, police stations, toll motorways, etc.).

Legal defence in an appeal before the Audiencia Nacional against the dismissal of a complaint before the CNMV regarding a compulsory takeover bid in relation to a listed company.

Appeals before the Audiencia Nacional on the gas remuneration system and in defence of an association of electricity distributors against operating procedures.

Awards and rankings

- Recommended Lawyer for Public Law, *Legal 500 EMEA*, 2022-2023
- Public Law award (Premio Secciones - Derecho Administrativo), *ICAM*, 2022
- Recommended Lawyer for Projects and Energy, *Legal 500 EMEA*, 2021
- Best publication on Public Procurement, *Wolters Kluwer*, 2020