

TOP SPORTS LAWYERS

Iberian Lawyer presents, for the first time, the Top Sports Lawyers in Spain, both from firms and in-house practice

NEW ERA

Patricio Morenés, DIA Group deputy general counsel, represents the new era of leadership for in-house lawyers

HEALTH + TECHNOLOGY

Hugo de Almeida Pinho, general counsel at Siemens Healthineers, speaks about the challenges of the healthcare sector

INVESTMENT TRENDS

Ignacio Aparicio, partner and head of Andersen's Corporate & M&A department in Spain, presents the investment scenario

LEGAL MARKETING & COMMUNICATION

Leading legal marketing and communications agencies unveil key trends for 2021

Agile, flexible leaders with a broad multi-disciplinary vision have a head start on the race against uncertainty that will continue in 2021. Domingos Cruz, managing partner of CCA Law Firm, is one of them.

NEW LEGAL MANAGEMENT

For information: mercedes.quintas@iberianlegalgroup.com

Iberian Lawyer

These events refer to Iberian Lawyer and they reward the best lawyers and law professionals in Spain and Portugal.

Labour Awards - Portugal	Rescheduling of the 2020 edition	Lisbon, 31/03/2021
Labour Awards - Spain		Madrid, 06/05/2021
IP & TMT Awards - Spain		Madrid, 20/05/2021
InspiraLaw	New Date	Madrid, 25/05/2021
IP & TMT Awards - Portugal		Lisbon, 13/07/2021
Forty under 40 Awards		Madrid, 23/09/2021
Gold Awards		Madrid, 04/11/2021
LegalDay		Madrid, 04/11/2021
Legaltech Day - Iberian	Web Edition	18/11/2021
Labour Awards - Portugal		Lisbon, 02/12/2021

The Latin American Lawyer

The event aims to highlight the excellence of the lawyers of firms, experts in the sector of energy and infrastructure in Latin America.

Legaltech Day - Latam	Web Edition	23/03/2021
Energy & Infrastructure Awards		Sao Paulo, 21/10/2021

INHOUSECOMMUNITY AWARDS

This event intends to reward the best professionals within companies: from legal affairs, HR, financial to tax departments.

InhousecommunityAwards Egypt	Web Edition	11/02/2021
Inhousecommunity Awards - Italy		Milan, 14/10/2020
Gold Awards		Madrid, 4/11/2021
Inhousecommunity Awards - Switzerland		Milan, 25/11/2021

LEGALCOMMUNITYWEEK

LC PUBLISHING GROUP

The international week of events for the legal business community in Milan.

Legalcommunity Week	Milan, 7-11/06/2021
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FINANCECOMMUNITYWEEK

LC PUBLISHING GROUP

The Global Annual Event for the Finance Community.

Financecommunity Week	15-19/11/2021
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They are the events that are addressed to all the communities of the Group: legal, inhouse, finance and food.

Corporate Music Contest	Milan, 09/06/2021
Sustainability Day	Milan, 11/11/2021
Sustainability Awards	Milan, 11/11/2021

LEGALCOMMUNITY AWARDS

These awards refer to Legalcommunity, our digital title, and they reward the best law firms and lawyers by area of expertise in Italy.

Tax Awards	Milan, 15/04/2021
Energy Awards	Milan, 29/04/2021
IP&TMT Awards	Milan, 13/05/2021
Finance Awards	Milan, 27/05/2021
Corporate Awards	Milan, 10/06/2021
Forty under 40 Awards Italy	New Date, Milan, 21/06/2021
Italian Awards	Rome, 08/07/2021
Labour Awards	Milan, 09/09/2021
Litigation Awards	Milan, 16/09/2021

HOPE

by desiré vidal

WWW

We understand hope not as an idyllic vision in the distant horizon but as an obligatory, active, conscientious and daily exercise of those who put all their faith and effort in something concrete and, in their eyes, tangible. This is how the legal sector began in 2021, pulling its shocks up. Almost without taking a break after a Christmas that, apparently, was not as responsible as it was advertised. With the last sip of champagne still in the throat, the year began like a giant snowball: the historic snowfall, the third wave, the new strain, the Brexit (already effective), the final Trump's tantrum, the assault on the Capitol, his "His Way" farewell with a warning included, as well

as the inauguration of the 46th President of the United States, Joe Biden, among the highlights.

Hope, thanks, above all, to the vaccine that is already underway in Europe and to which firms such as Uría have contributed to its production and implementation in Spain; advising Rovi on its agreement with Moderna for its production in Spain, and Gómez-Acebo & Pombo, which advised this pharmaceutical company (Moderna) on its establishment in Spain and on several issues related to the authorisations for the approval of the vaccine at European level. From a different perspective, in this case, the Labour Law one, Ceca Magán Abogados partner Alberto Novoa, reflects on the possible obligation of vaccination in the workplace. The firms, like the rest of the players in the legal sector, began the year with hope and practical optimism, and apparently with the same common, clear and visible purpose with which they ended 2020; the retention or, where appropriate, the attraction of the best talent for their teams. Perhaps, for this reason, we have witnessed numerous and multitudinous partner promotions in a very short time,

lateral moves of top lawyers between leading firms to head certain areas, and we have continued to see alliances, mergers of large firms with other smaller or medium-sized ones, weaving together a diverse and solid network. Other lawyers have taken advantage of the lull in the moment to make their dream come true: getting rid of the big law's corset and doing what they always liked best; practice law and dedicate themselves to the client in the short distances, figuratively speaking. In short, the legal panorama has evolved, branching out and multiplying itself in options as varied as they are opportune and giving new life to the sector.

At Iberian Lawyer, we have lived the post-Christmas crunch with health, sports and good food, and we present –in this February issue– the results. Health from our in-house Portugal lawyer, Hugo de Almeida Pino, general counsel of Siemens Healthineers, who tells us about the challenges that companies in the health and technology sector continue to face in the new year. Sports, with the first ranking of Spanish lawyers in the Top of Sports Law that we made at Iberian Lawyer and the first selection of in-house lawyers, specialists in Spain in this same area. Following the parallelism, the novelties in the food retail sector are revealed to us from the deputy general counsel of the DIA Group, Patricio Morenés, cover of the Spanish version of this first 2021 issue.

Domingos Cruz, managing partner of Portuguese firm CCA Law Firm, is the English version cover. An unusual lawyer who has revolutionised in a good way one of the oldest law firms in Portugal with his freshness and his way of understanding and applying Business Law. Precisely, now that everything is yet to be seen in this year of hope, we asked the experts from various agencies specialised in Legal Marketing and Legal Communication, what the key trends that should not be lost sight of are at this time so crucial for the economic recovery of all sectors, including the one we are dealing with. Other important keys to Business Law, in this case in terms of investment and Private Equity, are analysed for Iberian Lawyer by Ignacio Aparicio, managing partner of Andersen's Corporate department in Spain. Aparicio also offers an interesting reflection on the investment situation in Cuba. And from Cuba, we go to Mexico to talk with the managing partner and country manager of ONTIER Mexico, the Spanish lawyer Lorenzo Hernández Allones, in the "Partners Abroad" section. An exceptional young man whose merits have been recognised by his firm with his appointment as a partner and with his new position as Business Development director for Latin America and as a member of the Board of ONTIER Global.

Another extraordinary young man stars in the "Young and Unstoppable" section. Daniel Gutiérrez is, at the age of 31, a leader in his sector and has been managing his own firm, DG LAW Derecho de los Negocios & Propiedad Intelectual, based in Oviedo (Asturias), which specialises in providing Commercial advice to start-ups focused on developing digital businesses. Also, in this issue, in the Association of Corporate Counsel monthly collaboration, ACCE Spain offers its assessment of the initiatives launched last year and announces its objectives for 2021. María Rico, member of Women in a Legal World and Legal manager of PRA Group Iberia, talks about the inclusion of the gender perspective in the Charter of Digital Rights. For his part, Felipe García, member of the World Compliance Association, gives us a preview of "The Five Challenges of Compliance for 2021".

With so much strength, so many leaders and talents, and so much to do, how can we not have hope? ■



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LC publishing Group provides 100% digital information - with a business angle - on legal, finance and food markets in Italy and is the largest legal publisher across southern Europe and Latin America after the acquisition of the majority share in Iberian Legal group. LC Publishing Group has offices in Milan, Madrid, and New York.



LC srl
Operational office: Via Savona 100 | 20144 Milan
Registered office: Via Tolstoi 10 | 20146 Milan
Phone: + 39 02 36 72 76 59





N 101 | February 2021

Chief Editor

desire.vidal@iberianlegalgroup.com
en colaboración con
 antonio.jimenez.morato@iberianlegalgroup.com
 alessio.foderi@lcpublishinggroup.it

Group Editor-in-Chief

nicola.dimolfetta@lcpublishinggroup.it

Managing Editor

laria.laquinta@lcpublishinggroup.it

Group Art director

hicham@lcpublishinggroup.it - kreita.com
colaboración de LC Italy
 roberta.mazzoleni@lcpublishinggroup.it

Country Manager Spain & LatAm

Mercedes.Quintas@iberianlegalgroup.com

Country Manager Portugal & Brazil

carlos.montagnini@iberianlegalgroup.com

Managing Director

aldo.scaringella@iberianlegalgroup.com

Group Coo

emanuele.borganti@lcpublishinggroup.it

**Group Communication
 and Business Development Director**
 helene.thierry@lcpublishinggroup.it

Projects & Events Coordinator

jon.bustamante@iberianlegalgroup.com

Administration Officer

carlos.donaire@iberianlegalgroup.com

Contributors

maría lloset de nárdiz, diego cabezuela

Editor

Oficina registrada:
 C/ Covarrubias 3, bajo D
 28010 Madrid - España
 Tel. +34 91 563 3691
 info@iberianlawyer.com
 www.iberianlawyer.com
 thelatinamericanlawyer.com

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Política editorial

Iberian Lawyer abre una ventana a la profesión jurídica ibérica para bufetes de abogados nacionales e internacionales y general counsel. La revista se financia a través de suscriptores y anunciantes, así como de firmas de abogados patrocinadoras que proporcionan las actualizaciones y perfiles legales incluidas en los Special Reports.

Depósito Legal
 M-5664-2009



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PROMOTIONS SPAIN & PORTUGAL

Uría Menéndez promotes seven to partner

Uría Menéndez has promoted seven new partners in Spain and Portugal effective January 1, as the firm's commitment to its career plan.

All the new partners at Uría Menéndez have fully developed their professional careers in the firm, where they have trained from a very young age, learned from their more experienced colleagues, taught those who came after them and become the great lawyers today. The new partners are Isabel Aguilar Alonso, Ignacio Álvarez Couso, Tomás Arranz, Luis Jiménez López, André Pestana Nascimento, María Vidal-Pardo del Río and José Félix Zaldívar de la Rica (all pictured from left to right).

Isabel Aguilar Alonso was a counsel in Uría Menéndez Madrid office. She joined the firm in 2008 as an associate in the Corporate and Commercial area and has also worked in the IT and Insurance areas. From January to June 2014 she was seconded to the Luxembourg law firm Elvinger, Hoss & Prussen. Her professional practice primarily focuses on Regulatory, Banking, Finance and Corporate and Commercial Law.

Ignacio Álvarez was a lawyer in the Madrid office of Uría Menéndez. Ignacio joined the firm in 2010, and between January and July 2016, he was seconded to the London office of the US firm Shearman & Sterling LLP, where he worked in the Capital Markets Group as an international associate. Ignacio's practice is focused on Financing and Debt Restructuring transactions, M&A and Energy Law.

Tomás Arranz is the new partner in the Competition and EU Law practice area. He has worked in the Brussels and Madrid offices, and in 2013 he was seconded to the Dutch firm De Brauw Blackstone Westbroek as foreign associate. His practice focuses on EU and Spanish Competition Law and has been involved in a variety of national and international Antitrust Infringement cases.

Luis Jiménez joined Uría Menéndez in 2010 and was made a senior associate of the firm in 2018. Between May 2015 and June 2016, he was based in Uría Menéndez office in New York City. He focuses his practice on Debt Restructuring transactions, Corporate Lending, Acquisition Finance and Project Finance, advising both lenders and borrowers.

André Pestana Nascimento, the new Lisbon office partner, joined Uría Menéndez in 2003 and has been a member of the firm's Labour Practice Area since 2005. He focuses his practice in all matters related to Employment Law and Litigation, collective bargaining agreements, Data Protection and Pensions and Social Security Law.

María Vidal-Pardo joined Uría Menéndez in 2010 and was made a senior associate of the firm in 2018. She was seconded to the Legal department of the Bank of Spain from June to December 2012 and to the law firm Slaughter & May in London from March to September 2014. Her practice focuses on Commercial and Company Law, M&A, Corporate Governance, Banking and Securities Law.

José-Félix Zaldívar joined Uría Menéndez in 2010. Between January and December 2013, he was based in Uría Menéndez's office in São Paulo (Brazil). From September 2018 to August 2019 he joined the M&A team at Cravath, Swaine & Moore LLP in New York as a foreign associate attorney. He has over ten years of experience advising on M&A and Finance transactions, mainly in the energy, infrastructure and real estate sectors.

"We are confident that all of them will contribute, as they have done so far, to our firm commitment to professional excellence," the firm said.

PROMOTIONS SPAIN

Garrigues promotes 13 to equity partner

Garrigues' partners' meeting, which was held online, approved the appointment of 13 new equity partners in the Madrid, Barcelona, Málaga, Murcia, Valencia, Vigo and Santiago de Chile offices

The new partners are:

Top row, from left to right:

- **Pablo Andrés.** Tax (Barcelona)
- **Juan Manuel Cabeza.** Administrative Law (Madrid)
- **Félix Ferreño.** Commercial (Madrid)
- **Pedro Miguel González.** Litigation & Arbitration (Málaga)
- **Rubén Magallares.** Litigation & Arbitration (Madrid)
- **Álvaro Manteca.** Tax (Madrid)
- **Cristina Mesa.** Industrial and Intellectual Property (Madrid)

Bottom row, from left to right:

- **Antonio Morales Mutis.** Commercial (Santiago de Chile)
- **Jaime Olazábal.** Commercial (Barcelona)
- **Elia Pons.** Tax (Madrid)
- **José Segarra.** Administrative Law (Valencia)
- **Francisco Soto.** Tax (Vigo)
- **Antonio Valero.** Tax (Murcia)

These appointments bring the total number of partners to 320.



PROMOTIONS SPAIN

Pérez-Llorca promotes five to partner

Pérez-Llorca has announced the appointment of Ana Cremades, Laura Ruiz, Mónica de San Román, Natalia Olmos and Jaime de Blas as new partners of the firm. All the lawyers have spent all or part of their careers at the firm.

Ana Cremades (pictured first right) joined Pérez-Llorca in 2019. She holds a degree in Law from the Universidad Pontificia Comillas-ICADE and a diploma in Business Law Management from the same university. In 2006, she was admitted to the State Attorney's Office, having achieved the highest grade of all the candidates in the examinations. Since then, she has held positions of responsibility in several government agencies. Highlights include her role as State Attorney before the National High Court, coordinator of the Energy and Telecommunications Area, and Head State Attorney at the Secretariat of State for Energy.

Laura Ruiz (pictured first left) joined Pérez-Llorca in 2007. She holds a degree in Law and Economics from Universidad Carlos III de Madrid. She also has a specialist diploma in Insolvency Law from Universidad de Deusto. Ruiz has extensive experience advising both national and international clients on all types of Litigation and Arbitration relating to Civil, Commercial, Insolvency and Corporate matters. In recent years, she has participated in significant Insolvency proceedings of large companies in the construction, food and motorway concession sectors, among others, defending the interests of creditors, and has been involved in negotiations regarding pre-insolvency situations of listed companies.

Mónica de San Román (pictured second right) has been working at Pérez-Llorca since 2015 and holds a degree in Law from the Universidad Pontificia de Comillas-ICADE in Madrid and a diploma in International Relations from the same university. She also holds a Master's degree in Business Law from Centro de Estudios Garrigues. As a member of the firm's Banking and Finance team, she advises national and international clients on all types of Financing, including Corporate Finance, Acquisition Finance, Project Finance, Real Estate Finance, Asset Finance, as well as Restructurings and Debt Acquisition transactions. She has been recognised by a prestigious legal directory in the practice of Asset Finance Law.

Natalia Olmos (pictured second left) joined Pérez-Llorca in 2011. She holds a degree in Law and Business Administration from the Universidad Complutense de Madrid and specialises in Litigation and Public Law. Her practice focuses primarily on Litigation, under the jurisdiction of both the Administrative and Civil courts, including all types of Corporate disputes before the Commercial Courts. She also has extensive experience in advising administrations and public entities and companies on their relationships with public administrations. In terms of academic contributions, Olmos has lectured for the Master's degree in Business Law at Universidad de Navarra.

Jaime de Blas (pictured centre) holds a degree in Law and Business Administration from Universidad Pontificia de Comillas de Madrid and also holds a postgraduate diploma in EU Competition Law from King's College London. Since joining the firm in 2014, he has advised on restrictive agreements, abuses of dominant position, economic mergers and state aid. He defends clients in the framework of sanctioning proceedings before the Spanish National Commission on Markets and Competition and before the European Commission at EU level. Jaime de Blas has been highlighted by an important legal directory in the practices of Competition/Antitrust Law and European Union Law.



PROMOTIONS SPAIN

KPMG promotes three new partners

KPMG Abogados has announced the appointment of three new partners: Borja Carvajal, Pilar Galán and Julián García-Chazarra, who will strengthen the Tax and Legal areas in the Madrid office. This promotion responds to KPMG's objective of promoting the careers of extraordinary professionals.

Borja Carvajal (pictured right), who has 15 years of experience in the sector, has been appointed partner of the Regulatory, Administrative and Competition area. Borja's expertise is particularly focused on advising private clients in their relations with the Public Administration, including various regulated sectors (Infrastructure, Energy, Environment, Urban Planning, Telecommunications, etc.) and areas of specialisation (Public Procurement, Administrative and Contentious proceedings, subsidies and public aid, etc.).

Pilar Galán (pictured centre), a Law and Business Administration graduate, has extensive experience in Financial Regulation, specifically in matters related to the Banking, Payment Services, Capital Markets and Insurance sectors. The new partner joined KPMG in 2015 and is currently leading the Financial Regulation implementation projects. She has participated in some of the most important financial institutions in our country, some of which had a great impact on their business model, and she is recognised as a reference in all of them, standing out for her knowledge of the business and her ability to create trust through careful relationship management and the excellence of her work.

The firm has also strengthened the Corporate Tax area with the appointment of **Julián García-Chazarra** (pictured left), who has extensive experience in providing recurrent Tax advice to national and international groups, as well as in national Tax planning, Corporate Restructuring, Mergers & Acquisitions, Tax consolidation regime and assistance in Tax inspections. Due to his capacity for innovation and knowledge of the needs of clients, Julián is responsible for the transformation of the Company Tax function, from the Corporate Tax Services department to which he belongs.



PROMOTIONS PORTUGAL

VdA promotes two new partners

José Miguel Oliveira (pictured left) and Tiago Bessa (pictured right) are now VdA partners.

The promotion is part of the firm's strategy to reinforce core areas, such as Oil&Gas and Communications, Data Protection & IT, and develop new skills in critical economic sectors that are an asset to clients.

José Miguel Oliveira joined VdA in 2015. He has been working in the Oil & Gas practice, where he applies over ten years of international experience in African jurisdictions, notably in Angola and Mozambique. He has also been actively involved in several transactions in those jurisdictions, advising all industry players in sectors running the gamut from energy, infrastructures, distribution/wholesale, retail services, and

transportation (shipping and ports).

Tiago Bessa joined VdA in 2007 to actively work in the Information, Communication & Technology and IP Transactions practice areas. In Portugal and abroad, he has been involved in several transactions, mainly focused on Telecommunications, Media, Electronic Commerce, Copyright and Consumer Law.



LITIGATION AND ARBITRATION SPAIN

Hogan Lovells adds new head of Litigation & Arbitration from GA_P

Hogan Lovells has hired **Gonzalo Ardila** as a partner, who joins the firm from GA_P, to lead the Litigation & Arbitration area in its Madrid office.

Hogan Lovells Spain faces 2021 reinforcing strategic areas of the firm and betting on the talent of its professionals. Gonzalo Ardila, a Law graduate from Universidad de Salamanca, joins as head of the Litigation & Arbitration area, providing a wide experience in Commercial Litigation and domestic and international Arbitration.

Gonzalo Ardila (pictured) began his career in the legal department of the Telecommunications Market Commission and then joined Gómez-Acebo & Pombo in 2000, where he has been Litigation & Arbitration coordinating partner.

He is a member of the Spanish Arbitration Club and has teaching experience as Civil Litigation Law professor of the Madrid Bar Association Private Law Master's degree and in the ICADE practicum, among others. Gonzalo is also a reference lawyer in several prestigious legal directories in the category of Dispute Resolution.

With this move, Hogan Lovells has 24 partners and more than 100 lawyers in Spain. Its incorporation represents a notable commitment to the firm's Litigation & Arbitration area, which had already become one of the main and most consolidated practices of the firm under José Luis Huerta.



IMMIGRATION LAW PORTUGAL

VCA appoints new Immigration partner

Valadas Coriel & Associados announced the promotion of **Patrícia Valadas Coriel** (pictured) as the firm's sixth partner. The lawyer is one of the firm's Immigration department heads, created in 2018 by Sandra Jardim Fernandes.

According to VCA's partners: "Patrícia's appointment is just recognition for the remarkable work done in the last two years. This work allowed this department, in a short period, to double its turnover and human resources." And they add: "Today, thanks to the commitment of all those involved, our Immigration Department is recognised, nationally and internationally, for its technical competence and its solid experience in immigration, investment and citizenship processes."

Patrícia Valadas Coriel has a degree in Law from the Universidade Nova de Lisboa School of Law and a postgraduate degree in Law and Management from the Nova School of Business and Economics. She is a member of the Investment Migration Council (IMC), the International Bar Association (IBA) and the IR Global.



LATERAL HIRES PORTUGAL

Two partners leave PLMJ to SRS and Antas da Cunha ECIJA

SRS Advogados has hired Sara Estima Martins and Antas da Cunha ECIJA has approved the incorporation of Alexandra Mota Gomes, both partners at PLMJ.

Alexandra Mota Gomes (pictured left) will join Antas da Cunha ECIJA as the new Criminal, Misdemeanours and Compliance department partner. At PLMJ, Mota Gomes was a partner in the Dispute Resolution practice. With 20 years' experience, her primary focus has been on organised crime, economic crime, and white-collar crime, particularly on preventing corruption, money laundering, and terrorist financing. Mota Gomes also has extensive experience in administrative offences, particularly in the context of banking, capital markets, pharmaceuticals, the environment, civil construction, energy, telecoms, advertising and economics. She has a Law degree from the Universidade de Lisboa School of Law and completed a postgraduate course in Arbitration at the Universidade Nova de Lisboa School of Law, among others.

Sara Estima Martins (pictured right) will become the second partner of the SRS's EU & Competition Law department. This is the sixth partner hiring of SRS all over 2020. Martins was PLMJ's EU & Competition Law practice partner with more than 15 years of experience in this area. Her expertise covers all Competition Law matters, especially mergers, cartels and other horizontal practices, vertical agreements and abuses of a dominant position. She frequently assists clients in implementing internal Competition Law Compliance programmes. She also provided advice to several companies in European Union Law matters, particularly on freedom of movement issues, structural funds, EU common agricultural policy and access to documents of the EU institutions. Sara has often represented these clients before the European Commission and the European Court of Justice. Estima Martins earned her Law degree from the Universidade de Coimbra School of Law and has an LLM in EU Law from the College of Europe, Bruges, Belgium.



LABOUR LAW PORTUGAL

PLMJ hires José Pedro Anacoreta as Labour partner

PLMJ has reinforced its Porto office with the hiring of **José Pedro Anacoreta** (pictured) to join the office as an Employment partner.

José Pedro Anacoreta has more than 15 years of experience in the Employment Law area and comes from the Sonae Group, where he was the head of Legal of Worten after holding leadership positions in the Human Resources area at Sonae Group for the last decade. He was also a senior associate at Uría Menendez – Proença de Carvalho.

Anacoreta has worked as in-house advisor in large companies and in the Human Resources area. He has vast experience in human resources process management, namely labour relations, organisation of working time, control of remuneration processes, international mobility, talent management, and corporate governance. He has advised several national and international clients on Labour Law and Social Security matters.

José Pedro Anacoreta is a Law graduate from Universidade Católica Portuguesa and holds an international MBA from the Universidade Católica de Porto Business School in partnership with ESADE (Barcelona) and the Pontifícia Universidade Católica de São Paulo (Brazil) and a post-graduate degree in Labour Law from the Universidade de Coimbra Law School.



PROMOTIONS SPAIN

Hogan Lovells welcomes 2021 with new promotions

Global law firm Hogan Lovells has welcomed the new year with 25 new partner and 60 new counsel promotions, from which one partner and two counsel are from its Madrid office. The new partner is Inmaculada Lorenzo, promoted to IPMT partner, along with the promotions of two counsel in Litigation and Tax areas.

Inmaculada Lorenzo (pictured left), until now senior associate, focuses on enforcement and Litigation of IP rights, particularly in the field of patents, trademarks and Unfair Competition. Inmaculada represents and advises national and international companies, particularly in the Life Sciences (pharmaceutical, biotechnology and medical devices) and Technology, Media and Telecommunications industries, in patent and trademark infringement and validity Litigation and complex IP disputes, including also Unfair Competition, copyright and trade secret claims.

She is commonly involved in multi-jurisdictional Litigation and works hand-in-hand with Spanish and foreign experts, including European Patent Attorneys and reputed University Professors. Inmaculada studied Law, Business Administration and Management and Music. She lectures on IP and International Litigation in several institutions.

The two new counsel are Patricia Sánchez (Corporate & Finance/Tax) and Silvia Martínez (Litigation, Arbitration and Employment).

Patricia Sánchez (pictured centre) is a member of the Tax practice G Group, focusing her practice on the design, negotiation and implementation of structures for the financing of assets -such as vessels, films and research & development projects - based on a wide variety of tax incentives, providing global advice throughout the whole life of the transaction. Patricia has been part of the teams advising financial institutions, acting as structuring entities, and industrial associations, as well as companies producing and acquiring the financed assets. Additionally, Patricia has participated in the assistance to national and international clients in both direct and indirect taxation. Patricia has a dual degree in Law and Business Administration from Universidad Complutense de Madrid.

Silvia Martínez Sastre (pictured right) joined Hogan Lovells in 2008 right after graduating. She belongs to the Litigation & Arbitration area and is specialised in International Arbitration. She is well-known for representing local and international clients on commercial and investment treaty arbitrations in construction, engineering, technology and corporate disputes before the major arbitral institutions such as ICC, LCIA, ICSID, CAM, CIMA as well as in ad hoc arbitrations subject to the UNCITRAL rules. She holds a double degree in Law and Economy from Universidad Carlos III de Madrid.



TAX SPAIN VALENCIA

Broseta lands partner duo from Andersen in Valencia

Broseta has hired **Enrique Vázquez** and **Miguel Ángel Galán** as Tax partners to join its Valencia office, both joining from Andersen.

Enrique Vázquez, Tax director at Andersen Valencia office and Miguel Ángel Galán, Tax partner in the same department, have joined Broseta Valencia office along with several members of the team. With this move, one of the most important in recent years in the Valencian legal profession, Broseta strengthens its national Tax department and its Valencia office.

Among the rest of the team that jumped from Andersen to Broseta Tax practice are Jaime Escribano and Ramón Varanda, who join as senior associates.

Enrique Vázquez (pictured right) has a degree in Law from the University of Valencia and a Master's degree in Tax Theory and Practice (Estema), with significant experience in advising large companies. He joined Olleros law firm in 2014 after working at EY and KPMG, making Tax director in 2016. He joined Andersen in 2017 as Tax department director.

Miguel Ángel Galán (pictured centre) also has a degree in Law from the University of Valencia. His professional practice has been developed alongside Enrique at EY, KPMG, Olleros and Andersen, where he joined as well in 2017 as a Tax partner.

Also in the picture (left), Rosa Vidal, managing partner of Broseta.



An exclusive networking meeting dedicated to women who are leading the change in the legal sector

CONCILIACIÓN, TELETRABAJO Y PRODUCTIVIDAD DEL ÁMBITO JURÍDICO EN LA ERA DE LA DESLOCALIZACIÓN LABORAL

Speakers

Clara Cerdán, General Counsel & Corporate Secretary, *Grupo FerroAtlántica*

María Echeverría-Torres, Head of Legal, *Nokia Networks*

María Hernández, Partner, *Eversheds Sutherland*

María Tomillo, Partner, *Simmons & Simmons*

Patricia Miranda, Head of Legal Department, *OUIGO España*

Teresa Mínguez, Director Legal & Compliance, *Porsche Ibérica*

Moderator

Mercedes Quintas, Country Manager Spain & Latam, *Iberian Legal Group*

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CRIMINAL LAW SPAIN

CMS adds Public Prosecutor as Criminal Law partner

The Board of Directors of CMS Albiñana & Suárez de Lezo has approved the incorporation of Enrique Remón Peñalver (pictured) as a partner, effective January 2021, reinforcing and its Criminal Law department.

Enrique Remón Peñalver has an excellent and recognised trajectory in the Socio-Economic Criminal field within the Public Prosecutor's Office, notably as Public Prosecutor of the province of Madrid and dean of the White-Collar Crime Section of the Province of Madrid Public Prosecutor's Office from 2016 to present. In this role, he has been responsible, inter alia, of the supervision and execution of the investigation and prosecution of crimes and of the direction of the Judicial Police assigned to this section. Between March 2012 and September 2016, he was a Public Prosecutor in the Community of Madrid Public Prosecution Service, voluntarily assigned to the Provincial Public Prosecutor's Office of Madrid. He is a specialist in White-Collar Crime. He previously held positions in the Technical Secretariat of the Attorney General's Office and in the provincial Public Prosecutor's offices of Valencia and Barcelona.

He is a recognised jurist not only for his professional career but also for his teaching activity at the Centro de Estudios Legales and ICADE, among others. He is also the author of numerous monographs and articles on tax crimes



PUBLIC LAW SPAIN

Fieldfisher JAUSAS adds two Public Law partners from PwC and Tornos

Fieldfisher JAUSAS has signed Ramón Vázquez del Rey as Public & Regulatory partner, joining its Madrid office from PwC Tax & Legal, and Silvia Mañá, former head of Real Estate at Tornos Abogados who joins its Barcelona office.

Ramón Vázquez del Rey (pictured left) is specialised in Energy & Natural Resources, Infrastructure, Environmental, Urban Planning, Public Procurement, and Administrative Litigation. He has extensive experience in the field of Due Diligence, analysing permitting procedures and identifying regulatory, environmental, and urban planning risks. He also has experience in developing authorisation and financial processes in the implementation of renewable electricity generation. He joins Fieldfisher JAUSAS Madrid office from PwC Tax & Legal, where he was a director in the Administrative & Energy area of Commercial/Regulated Sectors. Before joining PwC in 2013, he worked at Uría Menéndez for nine years in its Public Law, Litigation & Arbitration department. He is a Law graduate from Universidad de Navarra and holds a diploma in Constitutional Processes and Private Procurement from the same university. He teaches Contentious-Administrative Litigation at the Universidad de Navarra and ICADE-Comillas.

Silvia Mañá (pictured right) is specialised in Public Law, with a special focus on providing advice to Public Administrations, regional bodies and public companies of the Public Administration, as well as investment funds, private companies and individuals. Throughout her career, she has gained and consolidated professional experience in consultancy services on matters such as Administrative Law, Urban Law, Environment, Public Contracting and Regulated Sectors, as well as in the litigation field. She is a Law graduate from Universidad Pompeu Fabra and holds a Master's degree in Territorial Law. She combines her professional practice with teaching Contentious-Administrative Litigation in the Double Degree in Business Administration and Law. She joins the Fieldfisher JAUSAS Barcelona office from Tornos Abogados, where she headed the Real Estate practice, and has also worked at Cuatrecasas and Roca Junyent.



BANKING & FINANCE SPAIN

Evergreen Legal adds Banking & Finance counsel

Spanish boutique law firm Evergreen Legal has reinforced its Banking & Finance area with the hiring of experienced lawyer Yurena Medina as counsel

Yurena Medina (pictured) is an experienced lawyer with 18 years of career in reputed law firms as Freshfields, Hogan Lovells, Castro Sueiro & Varela and KPMG. For the last ten years, Yurena has been a senior associate at KPMG. She joins as counsel for the law firm's Banking & Finance team. Yurena has built her career in renowned national and international firms by advising both national and international banks, investment funds and companies in Restructuring and Refinancing transactions, where she has been the leading case lawyer in several pre-Insolvency Refinancing and homologation proceedings, as well as in structured Financing related to Real Estate, Asset, Acquisition, Corporate and Project Finance transactions.

She graduated in Law from the Universidad Pontificia Comillas ICAI-ICADE and has been recognised by a prestigious legal directory in Structure Finance Law. She joins the team led by Alberto Campo with the goal of strengthening Evergreen Legal's well-established Banking & Finance practice from a transactional point of view.

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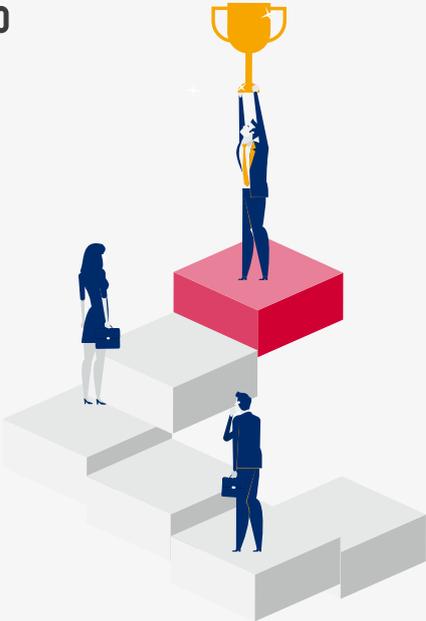
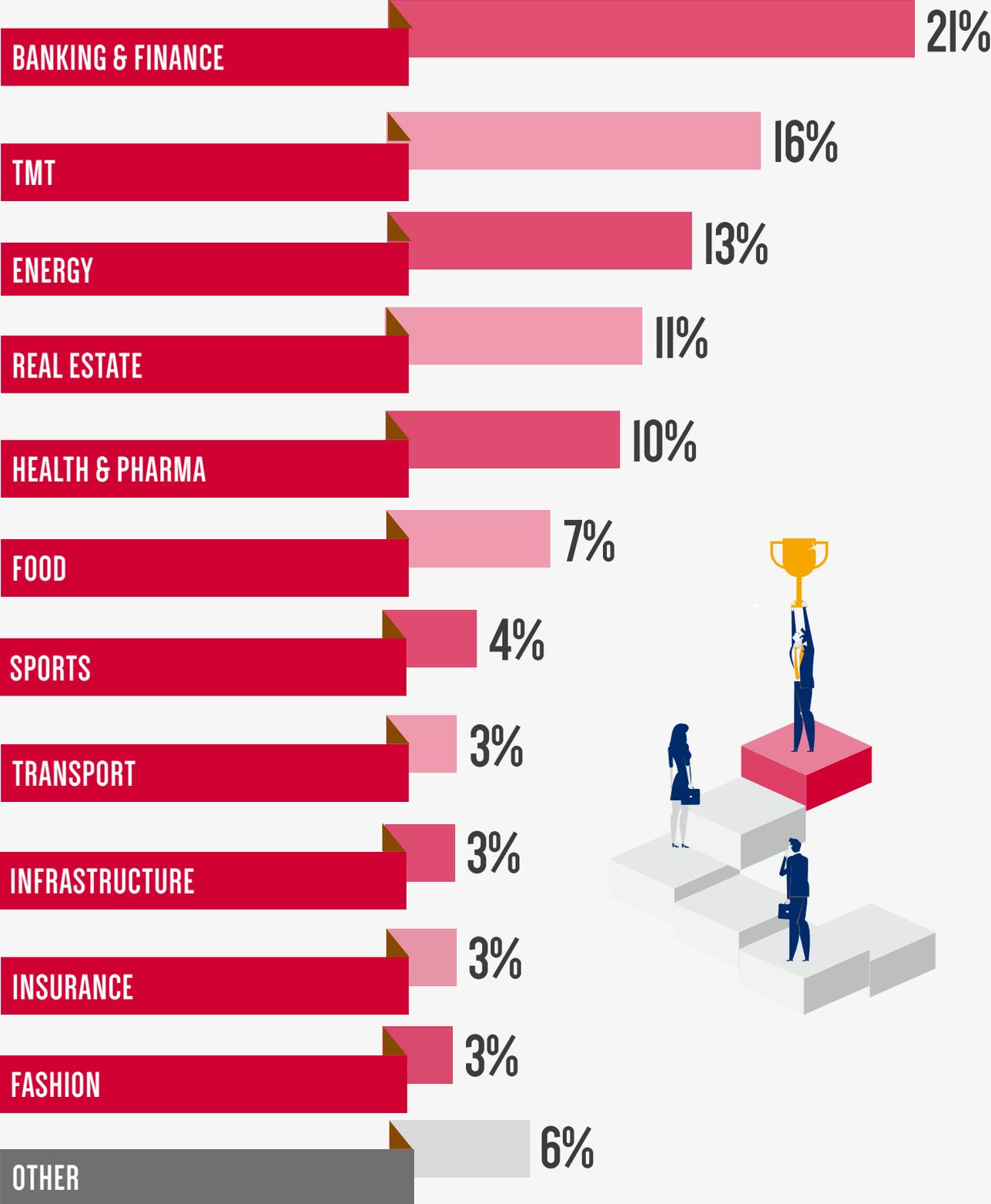


ANSWERING THE CALL OF DUTY



The Coronavirus pandemic has tested the readiness of all the business ecosystem to manage crises. But the level of readiness has differed significantly across businesses and industries, with financial services, technology, health and pharma companies leading in response effectiveness. The latter has been able to respond with greatest speed and resilience, answering the “call of duty”. The biopharma, an industry heavily watched by EU and Member States’ Competition authorities safeguarding healthy competition between companies and pursuing and sanctioning anti-competitive agreements and abuses of dominant, has been at the centre of global attention from the pandemic outset. But the European Commission

IBERIAN DEALS: **KEY SECTORS**



Period: November 23, 2020 – January 18 2021 (source: Iberianlawyer.com)

has allocated significant resources relating to cooperation between pharma and medical equipment companies. The biopharma has had a remarkable year. The recent news on COVID-19 vaccines has signalled a historic moment of cooperation in the sector. As in many sectors, it has prioritised keeping employees safe, made shifts to remote working, and minimised disruptions in global supply chains. At the same time, it has kept its innovation engines humming to find and produce the new vaccine for the COVID-19 with a secure supply chain, and it has done all that within unprecedented time frames, under enormous scrutiny, and with intense external engagement.

We had a perfect example in Spain of those extraordinary actions with Spain's pharma labs Rovi, a pan-European specialised company engaged in the research, development and marketing of biological specialities and a manufacturer with a high degree of technological differentiation, completing the production of the first batches of the Moderna COVID-19 Vaccine for the European Union at its Madrid facilities. After obtaining the conditional marketing authorisation (CMA) from the European Commission on January 6, Moderna and ROVI have collaborated to maximise efficiency to make the COVID-19 Vaccine Moderna available to citizens, reaching the European markets in record time and helping to immunise the population.

This was made possible thanks to the agreement between Moderna and Rovi, with the previous step of establishing Moderna's subsidiary in Spain, Moderna Biotech Spain, headed by Lori Henderson, general counsel of Moderna. This result could not have been possible without the required legal assistance, in this case by Gómez-Acebo & Pombo, that advised Moderna on its establishment in Spain and on several issues related to the authorisations for the approval of the vaccine at European level, and with Uría Menéndez advising the Spanish

pharmaceutical company on its agreement with the American biotech company for the manufacture of Moderna's vaccine against COVID-19 (mRNA-1273).

We have also witnessed other deals in the health sector, since healthcare companies have not stopped their business plans and continue to focus on driving growth in their core markets, like hospital operator NMC Health selling its Spain-based fertility business Eugin Group to European hospital operator Fresenius Helios (Helios Health), advised by Freshfields, for €430 million euros creating a leader in Spain's fertility industry.

Another example of the healthcare ecosystems's growth is the acquisition by GED Capital, assisted by DLA Piper, of a majority stake in four Spain-based health services providers, creating a leading platform in Europe in clinical studies, continuing medical education and patient support programs.

As nursing home operators struggle to fight back a pandemic, the M&A business has not stopped, and Healthcare Activos Yield has acquired five nursing homes in Spain for €50 million, advised by KPMG.

Portugal has not been an exception in the pharma deals, and VdA's M&A, Health and Labour Law practice areas assisted pharma company Lusomedicamenta on the sale of its distribution business and its subsidiary company, DAVI II Farmacêutica, one of the most important deals in the Portuguese pharmaceutical market during 2020. The COVID-19 has definitely changed public perception of pharmaceutical companies, that have been dealing with reputational issues for years. Their capacity to reach fast and effective agreements to help fight the pandemic and their resilience to continue with their business plans have probably changed the public opinion.

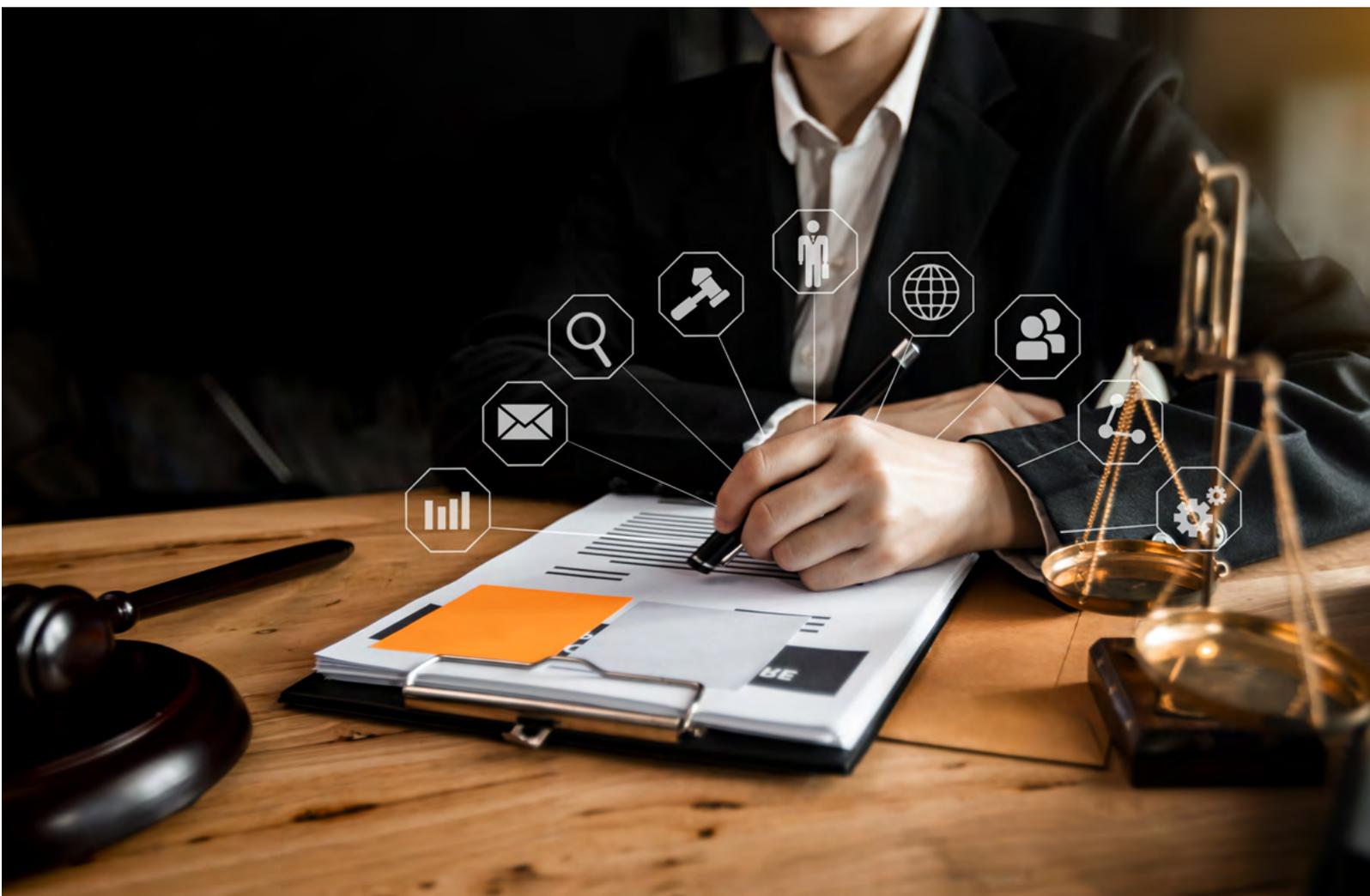
Legaltech

Portugal

CONNECT

16 MARCH 2021

10.00 - 11.30 (GMT)



GÓMEZ-ACEBO & POMBO ADVISES MODERNA ON ITS ESTABLISHMENT IN SPAIN AND VACCINE APPROVAL

Gómez-Acebo & Pombo has advised pharmaceutical company Moderna on its establishment in Spain and on several issues related to the authorisations for the approval of the vaccine at European level. Moderna established a subsidiary in Spain in August 2020 under the name Moderna Biotech Spain SL, which developed the vaccine for COVID-19 known as mRNA-1273. The European Medicines Agency (EMA) assessed the vaccine's compliance to the usual standards for effectiveness, safety and quality before its approval. The vaccine was granted a conditional marketing authorisation (CMA) by the European Commission on January 6, allowing vaccination programs using the Moderna vaccine to be rolled out across the European Union. The authorisation was based upon the recommendation of the EMA for the use of the COVID-19 Vaccine Moderna for active immunisation to prevent COVID-19 caused by SARS-CoV-2 virus in individuals 18 years of age and older.

Gómez-Acebo & Pombo advised Moderna on the establishment of its subsidiary in Spain, as well as on Spanish matters related to the vaccine approval by EU/EMA with a team made up of Commercial partner **Pablo Fernández Cortijo**, Regulatory partner and head of the Health Sciences group **Irene Fernández Puyol**, Commercial area lawyers **Ignacio de la Fuente** and **Carolina Orri**, Labour partner **Ignacio del Fraile** and associates **Lourdes Escassi** and **Diego Rizo**, Tax partner **Javier Vinuesa** and Tax lawyer **Rocío Arias**.

Moderna develops advancing messenger RNA (mRNA) science to create a new class of transformative medicines for patients. mRNA medicines are designed to direct the body's cells to produce intracellular, membrane or secreted proteins that can have a therapeutic or preventive benefit



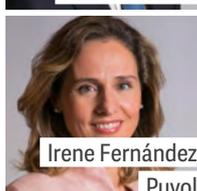
Pablo Fernández
Cortijo



Ignacio del Fraile



Javier Vinuesa



Irene Fernández
Puyol

and have the potential to address a broad spectrum of diseases. The company's platform builds on continuous advances in basic and applied mRNA science, delivery technology and manufacturing, providing Moderna the capability to pursue in parallel a robust pipeline of new development candidates.

Practice Area

Commercial, Health, Regulatory, Tax, Labour.

Deal

Establishment of Moderna in Spain and approval of its vaccine.

Law firm

Gómez-Acebo & Pombo

Lead partner

Pablo Fernández Cortijo, Irene Fernández Puyol, Ignacio del Fraile and Javier Vinuesa

Value

Not applicable.

URÍA MENÉNDEZ COUNSELS ROVI ON ITS AGREEMENT WITH MODERNA FOR COVID-19 VACCINE PRODUCTION

Uría Menéndez has advised the Spanish pharmaceutical company Laboratorios Farmacéuticos Rovi, SA on the agreement with the American biotech company Moderna TX, Inc. for the manufacture of Moderna's mRNA vaccine against COVID-19 (mRNA-1273). Under the agreement, Rovi provides Moderna with high-tech services for filling and finishing the vaccine vials, including the capacity of a new production line for the formulation, filling, automatic visual inspection and labelling of Moderna's vaccine, recently authorised by the European Commission. With this agreement, Rovi will support the production of millions of doses of the vaccine to supply the EU market and other territories outside the US.

The team advising Rovi was led by partner **Borja Sainz de Aja** and included senior associate **Alejandro Abad** from the Madrid office of Uría Menéndez.

Practice Area

Industrial/Intellectual Property and M&A.

Deal

Agreement between Moderna and Rovi for COVID-19 vaccine production in Spain

Law firm

Uría Menéndez.

Lead partner

Borja Sainz de Aja

Value

Not disclosed.

VDA ADVISES LUSOMEDICAMENTA ON TWO DEALS

VdA assisted Lusomedicamenta - Sociedade Técnica Farmacêutica S.A., a Portuguese company part of the Recipharm AB group with experience in the pharmaceutical sector, with two sale transactions totalling €31 million. The first involved the sale of Lusomedicamenta's distribution business, represented by its "Medicamenta" business unit focusing on cardiovascular, respiratory and metabolic diseases, to Laboratório Medinfar - Produtos Farmacêuticos, S.A. The purchase price for the acquisition of the Medicamenta business unit amounts to approximately €26 million. The second transaction involved the sale of all shares representing its subsidiary company's share capital, DAVI II Farmacêutica, S.A., to a private buyer. This was one of the most important deals in the Portuguese pharmaceutical market during 2020, involving two leading market players, with Medinfar having strengthened its market position by acquiring this business unit. The purchase price for the acquisition of



Borja Sainz de Aja

DAVI amounts to approximately €5 million. VdA's team brought together lawyers from its M&A, Health and Labour Law practice areas, namely M&A senior adviser **Rita Marques**, Labour managing associate **Tiago Piló**, and Health managing associate **Pedro Fontes**, and involved associates **Isa Rodrigues**, **João Francisco Barreiros** and **Philippa Soares Franco**.

Practice Area

M&A, Health and Labour

Deal

The sale of Lusomedicamenta's distribution business and the shares of its subsidiary DAVI II.

Law firm

VdA.

Lead partner

Rita Marques (senior adviser)

Value

€31 million.

FRESHFIELDS ADVISES HELIOS HEALTH ON EUGIN GROUP ACQUISITION

Freshfields Bruckhaus Deringer has advised Helios Health on its acquisition of the Eugin Group from NMC Health, through the purchase of a majority stake (and potentially 100%) in the Spanish company, Luarmia, S.L., and of 100% stake in NMC Eugin US Corporation, at a combined valuation of €430 million.

Helios Health is a German company, holding of the Fresenius-Helios private hospital and clinics business segment, which includes the business of Helios in Germany and the business of Quirónsalud in Spain and Latam. The acquisition will enable Helios to expand its international healthcare footprint in the IVF sector.

The transaction completion is subject to several regulatory approvals and is expected to happen in the first half of 2021.

Freshfields' team advising on the deal was led in Spain by partner **Javier Monzón** and in the US by partners **John Fisher** (Silicon Valley) and **Paul Humphreys** (New York),



Rita Marques



Tiago Piló



Pedro Fontes

Legaltech

Spain

CONNECT

25 MARCH 2021

17.00-18.30 (CET)



supported by lead associates **Lucía Quiroga** (Madrid) and **David Chen** (Silicon Valley), with the participation of Madrid associates **Leticia Calbacho**, **Javier Sánchez-Valiente** and **Iciar Herrero**. Tax advice was provided by partner **Bosco Montejo** supported by associate **Álvaro Fernández**, while Antitrust advice was provided by partner **Álvaro Iza** supported by senior associate **Carmen Virgós** and associate **Álvaro Puig**. Of Counsel **Ignacio Borrego**, supported by senior associate **Ana Calvo** and associate **Miguel Ángel Calvo** advised on the Regulatory transaction aspects. Associates **Arturo Dauffi** (Finance), **Juan Pastor** (Employment) and **Carolina Vergara** (Real Estate) also assisted on the transaction. Other offices involved included Washington, London and Rome. Freshfields has worked with local counsel in Brazil, Denmark, Sweden, Argentina, Colombia and Latvia.

Practice Area

Corporate/M&A, Tax, Antitrust, Regulatory, Labour and Real Estate.

Deal

Helios Health's acquisition of Eugin Group from NMC Health.

Law firm

Freshfields Bruckhaus Deringer.

Lead partner

Javier Monzón.

Value

€430 million.

DLA PIPER STEERS GED CAPITAL'S ACQUISITION OF FOUR HEALTHCARE COMPANIES

DLA Piper has assisted Spain's Private Equity firm GED Capital with its acquisition of a majority stake in four healthcare providers to create a group with a turnover of €15 million. GED Capital, a Private Equity group specialised in the Iberian middle-market



Javier Monzón



Bosco Montejo



Ignacio Borrego

segment, has acquired through its fund GED VI Spain a majority stake in Dynamic Science, Pulso Ediciones, Mederic Ediciones, and Viguera Ediciones from their respective founders and managers.

The agreement reached envisages that the companies' founders and management team will maintain a minority stake and continue to lead the management of the companies. The deal will create a unique reference knowledge provider and value-added services for the pharmaceutical industry.

Dynamic is the leading company in clinical research in Spain. The CRO full-service reference for pharmaceutical companies and major scientific societies, with more than 20 years of experience. Pulso is one of the leading B2B continuous medical training companies and one of the main providers of patient support programmes. Mederic is a B2B medical training company with activities in human and veterinary medicine and with an innovative and technological value proposal. Viguera specialises in on-line Master's degrees in B2C Neurology for doctors.

With offices in Barcelona, the new project after the integration will have an initial staff of 130 employees and an aggregated turnover at the end of 2020 of approximately €15 million. The different activities are very complementary, and key areas will be strengthened to support future growth. DLA Piper advised GED Capital with a team led by partner head of the Commercial practice **José María Gil-Robles**, together with senior associate **Héctor Gómez** and associate **María Gutiérrez**. Partner **Paz de la Iglesia** and senior associate **Patricia Pila** provided assistance from the Employment practice.



Paz de la Iglesia



José María Gil-Robles

Practice Area

Commercial, Labour.

Deal

GED Capital's acquisition of four healthcare companies in Spain.

Law firm

DLA Piper.

Lead partner

José María Gil-Robles.

Value

Not disclosed.



Alexandra Reis
Senior Counsel
Philip Morris



António Neto Alves
General Counsel / Company Secretary
The navigator Company



Catarina Coutinho
HR Associate Director
CBRE



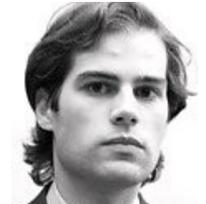
Isabel Charraz
Country Legal Counsel Portugal & Greece
Citibank Europe



Isabel Fernandes
Head of Legal
Grupo Visabeira



Isabel Lage
General Counsel
Fidelidade



José Almeida Fernandes
Tax Director
Semapa



Luis Graça Rodrigues
Legal regional Counsel
Indra



Maria do Rosário Vilhena
HR Head
Nestle Portugal



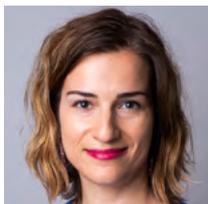
Patrícia Afonso Fonseca
Head of Legal
Novo Banco



Patrícia Mendes
Head of Legal & Compliance
Volkswagen Financial Services



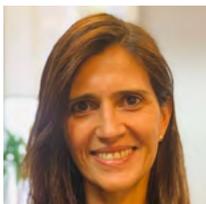
Pedro Vaz de Alamada
Legal & Business Affairs Manager
Novartis Farma



Teresa Carvalho de Oliveira
Head of Legal
Vinci Energies



Tiago da Mota
Director of Legal & Business affairs
Jury meeting Portugal



Vanda Valente
General Legal Counsel & Compliance Officer
Bank of China

SHAPING THE LAW TO COME

DOMINGOS CRUZ

It becomes clear when talking to Domingos Cruz, CCA Law Firm managing partner, that the cultural references he works with are not the usual ones in the legal world. Music, literature, a whole different mindset from what we are used to, emerge in the conversation. That was the main reason to interview him to know a little bit more of the new approach to the Business Law in Portugal of the new generations that are arriving at the decision-making level and learning, from his hand, how the future of the profession might be.

by antonio jiménez

CCA Law Firm is one of the oldest firms in Portugal, already seventy years old today. How do you weigh the firm's legacy and heritage in this world so focused on the immediate?

CCA is proud of its history and looks brightly into the future. That is what we have always done, honour CCA's legacy by excelling in the present, preparing CCA for the next generations. I'm not absolutely sure if I agree that the world is focused solely on the immediate, at least in some cases. Still, in many other ones, I would dare to say most of them, individuals, families, companies and governments are increasingly more concerned with the legacy they are leaving for the next generations. They worry about having a more balanced life, allowing women to break the glass ceiling, enabling more diversity in the workplace, and having a more sustainable

economy. All these challenges and hundreds of others are on the top of everyone's agenda. And for those that cannot be solved immediately, they rely on our ability to act in the present to make a difference in the future, which is precisely what we try to do at CCA.

At the same time, paradoxically, are you perhaps the youngest of the managing partners of small and large firms in Portugal? What does your youth bring to the firm's proven track record?

Young as one may be, what really matters most are the ideas, the ability to share your vision and enable people to pursue that same vision. Legal services are going through a transformation process, a one-of-a-kind moment that requires forward-thinking. The current challenges to this sector are overwhelming; new competitors, innovation, digitalisation, becoming a 21st-century lawyer with a different set of skills, to name a few, and are bound to shape the legal sector for the next decades. My role, along with my colleagues, simply put, is to be prepared, take chances, and identify opportunities when they arise.



THE CLIENT IS THE ABSOLUTE CORE OF OUR ACTIVITY; WE CHERISH AND FOSTER OUR RELATIONSHIP WITH OUR CLIENTS IN A LONG-TERM PERSPECTIVE



A few years ago, when you were appointed "as" managing partner, CCA was associated with ONTIER. However, following this, you disassociated that alliance to walk alone. What are the advantages of belonging to one of those large international firms? What are the virtues of returning to being an independent firm that establishes occasional alliances with other firms?

ONTIER was an amazing project and still is for those that are part of it. It gave CCA the possibility of being part since the inception of a very bold idea, to create a truly international firm by bringing together a dozen of well-established local firms, in a dozen different countries. The learning curve was steep, and we had invaluable lessons in the process. The advantages are simple and obvious, it gave access to international clients looking for a one-stop-shop, and it allowed us to offer our clients a broader area of influence.

Returning to what we were was, in

CCA LAW FIRM IN NUMBERS

NUMBER OF OFFICES:

2

NUMBER OF EMPLOYEES:

23

NUMBER OF LAWYERS:

63

NUMBER OF PARTNERS:

11

REVENUE:

€7.3 million

MAIN PRACTICE AREAS:

TMT & IP; Corporate/M&A; Real Estate, Tourism & Leisure; Tax; Employment; Litigation & Arbitration; Criminal Law; Public Law; Private Clients; Gaming; Data Protection; Start-ups & SMEs. International Desks: CCA has joined Global Business Lawyers Alliance, a networking platform for law firms to exchange best-practices and referrals presence in 55 countries.

hindsight, the best decision we could have taken. As an independent law firm since we departed from ONTIER, we kept growing in higher figures while maintaining the same services proficiency.

CCA was able to implement its own vision without the constraints of adapting its strategy to different alignments. It enabled us to rekindle with old friends in other jurisdictions and even to new ones that we have always wanted to meet, but we could not.

You are recognised as a lawyer with a unique client service approach, will this be the trademark of all CCA as a firm?

The question is not adequately addressed. If I am recognised as a lawyer with a unique client service approach, precisely, because that is what CCA (embodied in its former and current lawyers) taught me to be, it is CCA's DNA rather than my own. The client is the absolute core of our activity; we cherish and foster our relationship with our clients in a long-term perspective. This unique partnership, very personal, was and is fully visible during the pandemic.

CCA is one of the few firms that, in the same firm's website home, emphasises the existence of two Portuguese offices, one at Lisbon and another at Porto, and even includes the city by the Douro as a specific area within the firm's offer. Why this presence in Porto and what does it bring in comparison to the more usual Lisbon centralisation?

We decided to open an office in Porto because we have had more client demand in the north of Portugal in recent years. Therefore, we wanted to have a steeper footprint in Porto to be closer to them.

Porto is increasingly seen as a technological cluster, attracting



CCA STANDS OUT FOR BEING A LAW FIRM WITH A YOUNG AND MODERN ATTITUDE, WITH A GREAT FOCUS ON NEW TECHNOLOGIES, WHICH PRIDES ITSELF ON BEING CLOSE TO THE CLIENTS, PROVIDING TAILORED-MADE SOLUTIONS



highly qualified talent and many national and international companies, especially in technology, one of our strategic areas. It was a natural choice. We are happy to see the office growing, with more activity, even with Lisbon lawyers requesting to move to Porto.

One of the most important CCA assets is the Technology, Media and Telecommunications area, recently awarded by our magazine as the best team in the Forty under 40 awards. Besides, CCA is one of the firms that pays more attention to start-ups. How does your approach to these innovative companies differ from that of other firms?

Start-ups (even those who fail) have one great virtue: they identify a problem (usually inefficiencies) and come up with a solution to that problem. If enough costumers are willing to pay for that solution, a new business is born, and typically this business will pose a threat to existing well-established companies whose business model is being tested. Working with start-ups gives us an edge to witness first-hand how the future will be shaped, and at the same time gives us powerful insights to work with the corporate world. For more than ten years we've been investing our time and resources on new sectors such as gaming, media, IT, technology, start-ups (very focused on Venture Capital), personal data, fintech, e-commerce and many others. We are a full-service law firm, of course, but accepting that innovation, digitalisation and technology as a landscape where every business develops its activity gives us a specific mindset, focusing on combining the traditional with technology that is transversal to all industries. We are doing nothing but legal work. But we do it in a way that adapts to the future, new generations and new markets.

Iberian Lawyer
Awards

Forty40

UNDER

For more information please visit www.iberianlawyer.com
or email mercedes.quintas@iberianlegalgroup.com

SAVE THE DATE

23 September 2021 • Madrid
19:30 (CET)

Follow us on



#IBLFortyUnder40

CCA is one of the firms that has been able to close the gender gap that affects the Portuguese legal market. It is one of the few law firms with a majority of women associates and partners too.

What does this bring to the firm?

With 70 years of existence, CCA has always been concerned about promoting gender equality. We are committed to adopting the best Corporate Governance practices and to putting in place the conditions that allow women to thrive at work without having to sacrifice other objectives in life. Because of that, we have already achieved a balanced representation in the administrative and management teams, which shows a significant contribution of women in the decision-making process.

This is our path and our contribution to breaking the glass ceiling that prevents women from reaching the top, from

having a more just and balanced society. The consideration of this, e.g., is that these values have a significant impact on attracting and retaining talent.

When I am writing some news about CCA lawyers, something always strikes me; that in their profiles on the website, they emphasise the hobbies they have outside work, their life beyond the firm. What is the reason for this different view of the leisure activities you provide on a communication level?

CCA stands out for being a law firm with a young and modern attitude, with a great focus on new technologies, which prides itself on being close to the clients, providing tailored-made solutions. Showing our leisure activities creates closer bonds between lawyers and clients and increases the sense of belonging. Besides, it also shows our young talent's freshness, who is willing to try a new way of providing legal services.



DOMINGOS CRUZ

With 20 years' experience, Domingos Cruz is praised for his extensive and experienced approach and his ability to advise clients on complex and innovative transactions. His name has been associated with complex and essential Corporate Real Estate transactions, Corporate Governance, Venture Capital and M&A operations. Domingos Cruz's experience also includes representing institutional

investors, investment funds and developers, and leading Private Equity firms, having assisted them in several corporate transactions as foreign investment, finance and forward funding operations, purchase and sale and lease operations.

In the last years, he has been actively and consistently involved in several cross-border operations, working with large companies as well as start-ups.

Clients and peers recognise him as an innovative lawyer, strong and commercially-oriented, who adopts an international approach and provides a high standard of quality and professionalism.

Iberian Lawyer recognised him with the "Forty under 40" award in 2016 for the best lawyers under 40 years. He is also an entrepreneur, a business angel, and a member of the Entrepreneurs' Organisation Board in Portugal.

Beyond the law environment, he founded the Tell a Story project in 2013, a publishing house dedicated to disseminating Portuguese authors in different languages. 📖

We already know that 2020 was the year of telework and the medical challenges, but what do you think the challenges of 2021 will be in general?

I would say that the Portuguese economy will be capable of a rapid and robust economic recovery if it succeeds in reaching two basic assumptions, one highly objective, the other purely subjective, i.e., liquidity and confidence. Therefore, on the one hand, cash liquidity in companies, especially in SMEs and technology companies. Not only to cope with cost structures, which are generally inelastic, but also to be able to invest in new markets and business areas. On the other hand, a massive dose of confidence in entrepreneurs and decision-makers allows them to look at the current opportunities that the market offers and not be afraid to invest, with the certainty that tomorrow will be much better.

And within the Portuguese legal world in particular?

Structurally, the Portuguese legal world is already facing several challenges, many

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THE LATIN AMERICAN LAWYER LEGALTECH DAY – BRAZIL

Legaltech: Como o mercado jurídico brasileiro está se preparando para uma realidade cada vez mais próxima.

23 MARÇO 2021



PROGRAMA

09:00 BRT **ABERTURA E AGRADECIMENTOS.**

09:20 BRT **INTRODUÇÃO**

Correspondente - LATIN AMERICAN LAWYER

09:45 BRT **SEÇÃO 1**

Era da eficiência: os clientes solicitam eficácia e controle de custos.

Como reagem e respondem os advogados?

11:30 BRT **SEÇÃO 2**

Legaltech: O mercado jurídico brasileiro estará preparado para seguir essa tendência mundial? Como atender as demandas dos clientes internacionais.

13:15 BRT **ENCERRAMENTO**

REGISTRE-SE

MEDIA PARTNER

Iberian Lawyer

Maiores informações: carlos.montagnini@iberianlegalgroup.com



DOMINGOS CRUZ

“

I WOULD SAY THAT THE PORTUGUESE ECONOMY WILL BE CAPABLE OF A RAPID AND ROBUST ECONOMIC RECOVERY IF IT SUCCEEDS IN REACHING TWO BASIC ASSUMPTIONS, ONE HIGHLY OBJECTIVE, THE OTHER PURELY SUBJECTIVE: LIQUIDITY AND CONFIDENCE

”

of them addressed above. The situation we are currently living will only enhance those challenges. The client will expect more efficiency, more for less, be prone to choose price over quality, have less appetite for risk, and have more thoughtful decision processes. This, of course, can be mitigated if the economy

recovers rapidly, if foreign direct investment in Portugal recovers too, and if tourism resurrects from where it is now. Law firms need to be very flexible to adapt to each circumstance, and it is foreseeable in 2021 to continue to have a consolidation of the legal market. 🇵🇹

TOP LAWYERS IN SPORTS LAW IN SPAIN



TOP SCORERS IN THE LEGAL FIELD

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The need for specialisation in sports-related matters is not new in the Spanish legal market. The multiple legal aspects involved in this industry (image rights, sponsorship, complex transfers, the irruption of investment funds in transfers, clubs and sportsmen's tax matters, or doping, among others) and the sophistication of the industry mean that professional sportsmen and sportswomen and sports entities need the best legal advice combined with high standards of quality and trust.

In Spain, we have excellent renowned professionals, who either from a specialised boutique, betting on proximity and specialisation, or from a large firm's Sports Law department, accompany all the actors of the sports legal scene in Spain and abroad.

In order to prepare this ranking, the first one presented by Iberian Lawyer, and which only includes lawyers in private sports practice in law firms, exhaustive research work has been carried out which has taken into account the experience and specialisation of the lawyers in the sector, their recognition in prestigious legal directories in the field of Sports Law, as well as their membership of national and international organisations managing legal matters related to Sports, their participation in leading cases (some of them with a high impact on the media), their contribution to the teaching of Sports Law in prestigious business schools and universities, and their doctrinal contribution in this branch of Law through the publication of books, articles and their participation as speakers in congresses and seminars.

As a result of the high competition between the different profiles, some draws have occurred, as it is the case with the second and tenth positions, which makes this ranking of experts in Sports Law include a total of 17 lawyers. Many of them have shared firms, others have been masters and disciples among them, but they are all united by the same thing: their passion and dedication to the world of Sports. As always, not all of them are here, but at Iberian Lawyer we can guarantee that those who are here are Top Sports Lawyers in Spain.

01. Juan de Dios Crespo

Ruiz-Huerta & Crespo



He is a partner and head of the Sports Law Department of the Valencian firm Ruiz-Huerta & Crespo; without a doubt, an excellent professional at an international level, recognised for his extensive knowledge in the world of Sports, International and Community Law. He is an arbitrator for the Court of Arbitration of the European Handball Federation, Sports Resolutions UK and the Latin American Sports Law Association.

Since his beginnings in the Valencian Federation of Indoor Football in 1981, his specialisation has increased, thanks to its international background and knowledge of languages, advising mainly on International Litigation with procedures before UEFA, FIFA, BAT and TAS-CAS, having intervened in more than 200 cases before TAS-CAS.

He has a degree in Law from the Universidad Literaria de Valencia and holds two Master's degrees from ISDE and URJC. He is the director of the Sports Law programme at ESBS and teaches on more than a dozen Master's degrees related to Sports Law in Madrid, New York,

London and Marseille.

He has lectured at many seminars, courses and events on Sports Law on four continents and regularly writes books and articles on the subject in various languages.

He has participated in matters in the world of football considered high-profile leading cases of world sport, such as the disciplinary case "Messi" before the FIFA's Appeals Committee, and has represented players in the transfer and/or drafting of their contracts, such as Zidane, Mendieta, Morientes, or Miguel Reina. He was the lawyer in charge of delivering the €222 million of the termination clause of the Brazilian forward of FC Barcelona Neymar Jr. He won the appeal of the sanction against Messi, imposed by FIFA, dealing a four-match ban after ruling that the Argentina forward verbally abused a match official in a World Cup qualifying game against.

He is also known for having acted as a lawyer or legal adviser to many football clubs in Spain and abroad. He has also been an external legal advisor to LaLiga and one of the only four European lawyers chosen by UEFA and the European Union to advise on Sports and its future. He is recognised in his field by prestigious international legal directories.

02. José Juan Pintó Sala

Pintó & Ruiz Del Valle



José Juan Pintó is a partner and president of the Barcelona-based law firm Pintó Ruiz & Del Valle, one of the most prestigious and renowned firms specialising in international Sports Law, and a firm he joined in 1975. He is an expert in Corporate and Sports Law, including also Litigation and Arbitration, and advises all operators in the sports business (clubs, federations, leagues, athletes, agents...) both on contractual matters and on federative, regulatory and disciplinary matters (in particular in the field of doping).

As a TAS arbitrator, he has participated in the *ad hoc* divisions of the European Football Championship held in Portugal in 2004, the Vancouver 2010 Olympic Winter Games, the 2010 World Cup in South Africa and the 2016 Olympic Games in Rio. He is chairman of the

Ethics Committee of the Association of National Olympic Committees, an independent member of the UEFA's Compensation Committee and the UEFA's Governance and Compliance Committee, as well as of the Editorial Board of Football Legal.

He has been recognised as an expert in Sports Law by prestigious international legal directories and sports media for more than ten years.

Pintó defended Messi against Nike when he was sued for "signing" with Adidas. He also intervened in Barcelona's defence against Boca Juniors during the signing of Diego Armando Maradona in 1982 and defended Uruguayan Luis Suárez before FIFA after his bite to Italian Chiellini. He also participated in the defence of Barça in the "Masia" case and advised Real Madrid in the "Menores" case.

He has a degree in Law from the Universidad de Barcelona and teaches on the Master's degree in International Sport (ISDE). José Juan is a member of the Royal Order of Sporting Merit and is one of the most frequently appointed arbitrators in the world for proceedings before the CAS.

02. Javier Ferrero

Senn Ferrero Asociados



Tied for second place is Javier Ferrero, co-managing partner of Senn Ferrero Asociados Sports & Entertainment. He specialises in Sports and Entertainment Law. He began his professional career at Martínez-Echevarría, joining the Litigation department of Garrigues in 1997, and since 1999, he has been in charge of the organisation of legal advice sectors of the Real Madrid Football Club.

In 2002, he promoted and developed, together with economist and former director of Real Madrid Julio Senn, whom he met while working for Real Madrid, the Sports & Entertainment area of Garrigues, where they provided comprehensive advice to entities in the world of Sports and to sportsmen and women and professionals before opening their own firm, which he would found together with Julio Senn in 2010 as a result of understanding the Sports advice service as a specialised boutique rather than a large firm.

Javier has a degree in Law from the Universidad de Navarra and has been recognised as one of the best lawyers in the area of Sports Law in

Spain and in the world by international legal directories for more than ten years.

He is a member of the Editorial Board of the *Revista de Derecho del Deporte y del Entretenimiento* (Sports and Entertainment Law Journal) of the Aranzadi Publishing House, and a regular speaker at various forums and Master's degrees in Sports & Entertainment Law, having given various talks at International Congresses organised by the RFEF, UEFA and FIFA.

He is a member of the teaching staff of various national and international Master's degrees related to Football Law, Mediation, and Sports Management & Sports Law.

Javier has advised football players, coaches and sportsmen around the world from his firm on Legal, Tax, Image, Property rights, Finance and Contractual matters, among others. He has worked with Cristiano Ronaldo and his agent Jorge Mendes, as well as with Portuguese coach José Mourinho and Real Madrid defender Sergio Ramos.

03. Jorge Pecourt

Portamento Sports



Jorge Pecourt is a lawyer specialised in Sports Law, expert in Tax and Fiscal planning and aspects of sponsorship contracts of entities and sportsmen, who appeared in the media when he represented and elaborated the exit strategy of Leo Messi from FC Barcelona. Pecourt was the lawyer who advised Leo Messi in 2017 on the signing of the biggest contract in the history of Sports for more than €555 million, and which was revealed by the newspaper El Mundo. He was also behind the famous official fax that the Argentine football player sent to the club requesting his departure from FC Barcelona, based on a contractual clause interpreted by Pecourt in Messi's favour.

Pecourt graduated in Law from the Universidad de Valencia and subsequently studied Tax law at the Universitat Politècnica de Catalunya

(UPC). He joined Cuatrecasas law firm after graduating in 1997 and has always been linked to the firm's Sports area. He has been a partner of the firm since 2009 and coordinator of the Sports Law area since 2012, when Javier Hervás and Miguel Terrasa, prestigious Tax lawyers with whom he trained, left the firm to join KPMG.

He recently left the firm after 23 years of legal practice (coinciding with the "Messi" case when the client broke with the firm) to start his own firm in Peratallada (Girona) Portamento Sports, a firm focused on Legal and Tax advice to sportsmen and sports clubs, from where he has continued to advise the FC Barcelona's staff in relation to salary cuts.

Given his speciality in Taxation, he is recognised as an expert in matters such as the hiring of professional sportsmen and women, the correct protection and use of Intellectual Property rights, legal aspects of sponsorship contracts or the Taxation of sports entities. He is recognised by prestigious international legal directories in the practice of Sports Law.

04. Toni Roca

Himnus



Toni Roca, a former Cuatrecasas lawyer, is founder and CEO of Himnus, a firm based in Palma de Mallorca that specialises in the world of football. He has more than 20 years of legal practice, first in Cuatrecasas' Sports area in Barcelona, and then in Mallorca as a director at Citius-Global Sports Advisors. He then joined Corner Abogados, a multidisciplinary firm in which Roca managed the Sports area. During that time he was also head of the ECIX Group's Commercial office in Palma, until he decided in January 2020 that it was time to change course and focus on the world of football and create Himnus, one of the few Spanish firms that advises 100% on football matters.

Roca is also director of the Sports Law Institute, a training centre focused on the football industry,

from which, during this pandemic stage, different webinars have been organised in which the country's leading experts in Sports Law have participated to analyse the world of football and its derivatives. It provides legal advice mainly to football players (professional or not), clubs and agents; from planning in operations, transfer and hiring of players, arbitrations before the TAS, claims before the Dispute Resolution Chamber or the FIFA's Player's Status Committee or transfer negotiations, sponsorship and image rights and disciplinary proceedings, among others.

He is CEO and founder of Football Transfer Watch, the prestigious transfer monitoring and player complaint management platform, as well as of Legends Agency, an e-Sports professional players' representation firm.

He holds a degree in Law from the Universitat de les Illes Balears and a Master's degree in Sports Law from Gómez-Acebo & Pombo and another in Taxation and Tax Consultancy from CEF, as well as a ThePowerMBA programme.

05. Enric Ripoll

ERG Sports Law & Arbitration



Enric founded the Miami-based law firm ERG Sports Law & Arbitration in 2020, after more than seven years at Ruiz-Huerta & Crespo, with extensive experience in private practice in handling sports regulation, contentious and non-contentious matters, including all legal issues related to football transfers, minors, disciplinary and ethics procedures. He has represented clients before governmental bodies such as national associations, ITF, UEFA, CONMEBOL, AFC, FIFA, World Athletics and TAS.

As a lawyer specialising in International Sports Law, he has advised clubs, intermediaries, sportsmen and women, federations, etc. on Employment contracts, Image Rights, national and international disciplinary matters in the areas of match-fixing, fair play, Finance, doping, etc.

With Spanish, English and Italian as his main business languages, he has advised clubs, agents and athletes in Europe, Asia and Latin America. He is internationally recognised by prestigious publications and institutions. Enric is a

permanent professor at various educational institutions such as the Universidad Europea de Madrid, the Johan Cruyff Institute and LaLiga among others, and a regular speaker at conferences and seminars related to Sports Law. He is the coordinator of the Sports Law Programme at ESBS directed by Juan de Dios Crespo and the author of several articles specialising in Sports-related issues. He has also been appointed permanent arbitrator of the Sports and Entertainment Commission by the European Association of Arbitration. He has been a pro-bono lawyer for CAS, offering free legal assistance to sports professionals and is a member of the Board of Goals for Freedom, a project that promotes equal rights through sport. He has a degree in Law from the Universidad de Zaragoza and an international Master's degree in Sports Law and Management from ISDE.

06. Maite Nadal

Laffer Abogados



Since 2017, Maite Nadal is partner of Laffer Abogados, one of the most important law firms specialised in Sports Law. She is specialised in Litigation Law, with a wide experience as well as in all kind of civil procedures related to Civil Law, National and International Arbitration and Sports Law, with more than 15 years of experience. She has developed her professional practice around the negotiation and drafting of federation contracts, sponsorship and advice to clients (sportsmen, agents, public and private sports entities, audiovisual and sports management companies) on matters related to Image Rights, television rights, and sponsorships, as well as on Arbitration proceedings in national and international courts (TAS-CAS).

She combines her professional practice with teaching in national

and international Master's degrees and courses in subjects related to the procedural aspects of Sports Law. She is a member of the Sport Law Institute and has been the director of the International Master's degree in Sports Law & Management ISDE-IUSPORT, among others. She is a founding partner of NF Sports Law, a firm specialised in Sports Law, heading its Contracting and Litigation area until her incorporation to Laffer. Previously, she headed the Litigation Department of Tebas Coiduras-Law Sport, a firm headed by the president of LaLiga Javier Tebas.

She is an arbitrator at the Spanish Court of Arbitration for Sport (TEAD) and a member of the Appeal and Disciplinary Committee of the Royal Spanish Automobile Federation, of the Governing Board of the Madrid Bar Association and head of the Sports Law Section of the latter. She is also third vice-president of the Madrid Sports Law Association, chaired by Reyes Bellver.

She has a degree in Law from the Universidad Complutense de Madrid and holds a diploma in Community Law from the Universidad CEU San Pablo, and a Master's degree in Private Law from the same institution.

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07. Javier Tebas

Tebas Coiduras-Law Sport



Javier Tebas has been president of the LFP (LaLiga) since 2013 and has been re-elected for a third term until 2024. His specialisation in Business, Sports and Bankruptcy Law, with more than 30 years of experience, has been decisive in advising and representing numerous football clubs throughout his career and in founding a law firm in Madrid in 1990 specialising in the world of Sports, Tebas Coiduras. He was elected for the first time vice-president of the National Professional Football League in 2001, as a representative of the Badajoz team. He has acted as external legal advisor to various Spanish and foreign sports clubs and corporations (SAD), as well as the legal director of numerous Insolvency proceedings of sports entities. He is also a member of the Boards of Directors of various national and international entities. He has taken part in the drafting of coordination agreements with the RFEF and collective agreements with the AFE. At Tebas Coiduras, he provides, nationally and internationally, Tax, Labour, legal and accounting advice to professionals, SMEs and

large companies, with a high degree of specialisation in the areas of Taxation and Business Law.

Law Sport, its internationally registered trademark, provides global services to leaders in the world of Sports, acting before the bodies of major international Sports federations and the International Court of Arbitration for Sport (CAS).

He has a degree in Law from the Universidad de Zaragoza. He is a regular speaker and guest lecturer at national and international conferences, courses and seminars, and is the author of various publications and articles in specialised magazines, as well as a regular contributor to the press, radio and television. He teaches various courses, Master's degrees and diplomas in the field of Business and Sports, at universities or private institutions (ISDE, ICAB and the Master's degree in Sports Law from the Real Madrid University School, among others).

08. Kepa Larumbe

BDO



Kepa Larumbe was the maximum legal responsible, from 2012 to 2018, at the head of the Spanish Football Federation legal department. From 2015 to 2019, he was a member of the UEFA's Disciplinary Committee and, since that last year, he has been an arbitrator for the Committee of Experts on the Training and Sport Industry of the European Arbitration Association. Since 2019, he is an arbitrator at the Lausanne-based Sports Arbitration Court TAS-CAS.

Since November 2018, he has been the head of the Sports Law department of BDO in Spain, from where his team advises professional sportsmen and women, agents and intermediaries, clubs and SADs, federations, professional leagues, sponsor companies, audiovisual management entities or companies related to

professional sports in some way, covering sports such as football, basketball, handball, athletics, horse riding, tennis, rugby and motorsports. He is considered one of the major specialists in Sports Law and has extensive experience in managing Litigation before Sports administrative bodies (High Sports Council and Sports Administrative Court), International Arbitration (Sports Arbitration TAS-CAS) and before courts of justice in the field of Administrative, Civil and Labour disputes.

He has a degree in Law from the Universidad Pública de Navarra, a Master's degree in Sports Law from the National Institute of Physical Education of Catalonia and the Universitat de Lleida, as well as the FIFA/CIES, RFEF, URJC Sports Management course and an executive Master's degree in European Sport Governance (MESGO) from the University of Limoges (France).

He has also taught expert courses in Sports Law at the Universidad Católica de Valencia San Vicente Mártir, the Centro de Estudios Financieros (CEF) and the ESBS Sports Law Programme directed by Juan de Dios Crespo, among others.

09. Reyes Bellver

Bellver Sports Legal Boutique



Reyes is the managing partner and founder of the legal boutique Bellver Sports. She is a specialist in national and international Sports Law, Arbitration, Sports management, negotiation, and EU & Competition Law. She started her legal career at EY Abogados, but since 2009 she has been exclusively dedicated to Sports Law and especially to international football.

Reyes has a degree in Law from the Universidad CEU San Pablo and a Master's degree in International Relations from the same institution, another in Business Taxation from the Universidad Pontificia Comillas and a Master's degree in Sports Law from the Universitat de Lleida. She also holds various postgraduate courses related to Sports Law in international institutions.

In 2015 she graduated in Sports Management from the Universidad Rey Juan Carlos de Madrid and the Real Federación Española de Fútbol, in collaboration with the CIES/FIFA Centre with the best final project of her class.

Reyes is a founding member and current president of the Madrid Sports Law Association and a member of the Andalusian Sports Law Association (AADD). She is also a founding partner and member of the Spanish Association for Ethical Quality in Sport (AECED), as well as coordinator in Spain of the International Association WISLaw - Women in Sports Law.

She is certified by FIFA in its Female Leadership Development Programme (2016-17), being the only Spanish to do so.

She has been a disciplinary investigator for the RFEF and is currently a member of the Disciplinary Committee of the Royal Spanish Karate Federation and D.A., and since January 2020 she has been an advisor to the Professional Football department of FIFA.

Bellver is a regular speaker and academic coordinator in seminars related to Football Law, both nationally and internationally, as well as a teacher, coordinator and tutor in various Master's degrees and courses related to Sports Law.

10. Roberto Álvarez

Cuatrecasas



Roberto Álvarez has been a partner in the Cuatrecasas Madrid office since 2009 and has been the head of the firm's Sports Law team after the departure of its managers to KPMG. He heads a team of more than 30 lawyers from different legal practices, who specialise in advising on all legal issues related to the world of Sports. He landed in Cuatrecasas after 13 years in the Oviedo office of Garrigues. There he worked as a Tax advisor for the Sports sector, a very important area of advice for the firm. He has a renowned career in providing Tax and Legal advice to both national and international sportsmen and women (Formula 1 drivers such as Fernando Alonso, whom he met during his stay in Oviedo, motorcyclists such as Héctor Barberá and Álvaro Bautista, racing teams such as Campos GP2,

championship organisers, cyclists, football players, etc.). He advises on the design of Tax structures and provides recurrent advice to Image Rights management entities, international funds holding sports rights, as well as on the impatriation and expatriation of sportsmen and women.

He is a regular lecturer on various Master's degrees and courses in Sports Law, including the Master's degree in International Sports Law at the Instituto Superior de Derecho y Economía (ISDE), the High Specialisation Course in Sports Law at the School of Legal Practice of the Universidad Complutense de Madrid, and the course on Sports and Entertainment Taxation at the Centro de Estudios Financieros. He is also a lecturer on the Master's degree in International Law, as well as on the Master's degree in Business Legal Advice at the Instituto de Empresa.

He is a guest, participant and speaker at numerous prestigious meetings, events and seminars related to Sports Law.

He graduated in Business Administration from the Universidad de Oviedo and in Law from the European University of Madrid and has studied Corporate Finance at the London School of Economics.

10. Javier Hervás

KPMG Abogados



Javier Hervás is a partner and head of the Labour area of KPMG Abogados in Spain, as well as head of the KPMG Sports Legal area, with more than 25 years of experience in Sports Law. He joined the big four in 2012, and since 2016 he has been in charge of the area. Until then and since 2005, he was a partner specialising in Labour Law and Sports Law at Cuatrecasas, passing the baton to Roberto Álvarez after his departure.

Hervás, like many of the lawyers who specialise in Sports Law, is a specialist in the field of special Labour relations and advises on the recruitment of professional sportsmen and women, national and international transfers, policies on the remuneration of professional sportsmen and women, and on relations with representatives and intermediaries, etc.

In addition, he also has extensive experience in Labour consultancy in senior management (hiring of senior executives, analysis of the legal implications of senior management and their inclusion in the company's corporate bodies, and the design of policies for the remuneration

and loyalty of managers) and in collective Labour relations (design of strategic policies for collective labour relations in environments of global policies of business strategy and technological transformation processes; negotiations of collective agreements and company restructuring).

He has a degree in Law from the Universidad de Alcalá de Henares and a postgraduate degree as International Expert in Industrial Relations from the same university, as well as another in the System of Industrial Relations in Italy from the Università Cattolica del Sacro Cuore in Milan.

Hervás made his debut in the field of Sports Law in 1994, when he assisted with the signing of the contract of the international goalkeeper Zubizarreta with Valencia CF.

Javier Hervás is recognised by international legal directories among the best specialists in the area of Sports Law and is the director of the Master's degree in Sports Law ISDE KPMG, Unidad Editorial, Iussport taught in the academic environment of ISDE. He is also president of the Labour section of ICAM.



Félix Plaza

Garrigues



Félix Plaza is a partner in the Tax Law department of Garrigues, a firm in which he has developed his professional career since 1992, and is also the head of the firm's Sports and Entertainment Law department, which specialises in providing advice to the different people and entities that work in this sector (clubs, federations, investment funds, film production companies, artists and sportsmen, etc.). In this area, Plaza regularly participates in Rights Investment and Financing operations, advising on national and international issues. In recent years he has gained significant experience in advising on the planning and holding of major sporting and cultural events. In this field, he has advised, among others, the World Challenge LFP - 85th Anniversary of the League, the Royal Spanish Golf Federation in its

candidacy to host the 2018 Ryder Cup, the various Olympic Offices set up to develop Madrid's Candidacy to host the Olympic Games or the city of Madrid in its participation in the 2010 Shanghai World Expo. Featured in various international legal directories, Felix is also president of the Centro de Estudios Garrigues, where he co-directs the Executive Immersion in Sports Management programme, and teaches in the Master's degree in International Taxation, which has a specific section on the International Taxation of artists and sportsmen, in the Master's degree in Taxation, as well as in the Master's degree in Sports Law organised by the Real Madrid C.F. and the Universidad Europea de Madrid (UEM).

Felix has a degree in Law from the Centro Universitario San Pablo CEU and a Master's degree in Taxation and Tax Consultancy from the Centro de Estudios Financieros. He is a regular speaker at seminars and conferences and is in charge of the firm's internal training in Tax matters. He is also a member of the Editorial Board of the Aranzadi Journal of Sports and Entertainment Law.

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12. Ricardo Oliveras

ECIJA



Ricardo is the partner head of the Sports Law, Corporate/M&A, Startups, Innovation and Entrepreneurship area of ECIJA, where he joined in 2014 to create the area. He is a lawyer with extensive experience in Corporate Law and Sports Industry, who started his career at KPMG Abogados in 1997. In the Sports industry, Ricardo has been a corporate lawyer for international sports events organisers (America's Cup Management -2004 to 2007-, Superleague Formula Motorsport Series -2008 to 2011-). He has collaborated and given advice on Sports matters of a legal nature to national and international Sports federations and associations, right-holders/promoters of sports events, clubs, agencies/agents of professional sportsmen and women and in general companies and professionals operating in the field of Sports, which has allowed him to have a wide knowledge of the functioning of the Sports industry in all its aspects. Among his recent collaborations, it is worth mentioning his advice to FIFA on all legal matters related to the candidacy presented by the Spanish and

Portuguese Football Federations to organise the 2018 World Cup. He was also legal and corporate advisor to the Superleague Formula. In addition to football, he has provided legal advice in other sports such as sailing, motorsports (cars and motorbikes) and cycling, among others.

Ricardo is academic co-director of the Master's degree in Sports Management and Legal Skills co-organised by Futbol Club Barcelona in collaboration with the main academic institution in postgraduate law courses, ISDE, and is also a guest lecturer in the Master's degree in International Sports Law.

He has a degree in Law from the Universitat Abat Oliva CEU and an LLM in Commercial & Corporate Law from ISDE, and an executive programme in Business Administration & Management from the Universidad de Navarra IESE.

13. Rosalía Ortega

D&A Lawyers



Rosalía is a partner and head of the Sports Law department at D&A Lawyers.

She worked as a legal advisor in different law firms (Gómez Acebo & Pombo, Rossenblatt & Company or Tebas Coiduras) until in 2013 she decided to establish her own law firm specialised in Sports Law, Sports Law Services, advising sportsmen and women or sports clubs, federations and referees, intervening in matters related to Image Rights, sports contracts and legal proceedings.

She has a degree in Law from the Universidad de Ciencias Sociales y Jurídicas de Toledo and two Master's degrees in Sports and Community Law. Rosalía has extensive experience in advising artists, sportsmen and women, clubs, federations and referees on image rights management, agreements

with professional sportsmen and women and legal proceedings in both national and international courts.

She has been legal advisor to first division clubs in Spain, Argentina, Chile and Turkey and to several sportsmen in Spain and Italy. She is the author of numerous articles for Spanish magazines and web pages specialised in Spanish and English Sports Law, as well as a contributor to books on Sports Law.

Ortega has also taught at ISDE in various subjects related to Sports Law and has participated as a speaker at various national and international sports conferences.

Rosalía Ortega is a member of the Spanish Sports Law Association, an appeals judge on the Sports Discipline Committee of the International Pelota Basca Federation and president of the Sports Discipline Committee of the Royal Spanish Olympic Shooting Federation.

14. David Díaz

Baker Mckenzie



David Díaz is a partner and head of the Labour practice, as well as of the Sports Law practice in Baker McKenzie Madrid office. He has more than 25 years of experience as a lawyer, of which almost 20 have been linked to the US firm. He focuses on areas such as Employment specialities and benefits, collective bargaining, collective dismissals, major reorganisations and negotiations with companies committees, unions and public authorities, Labour Litigation, contracts, Regulatory Compliance, human resources, reorganisations and Labour disputes. As an expert in Litigation involving Labour courts and negotiations with trade unions, he has been involved in several of the major Labour restructurings of different companies in Spain

As a leader of the Sports Law

practice at Baker McKenzie Madrid, he has significant experience in this area, particularly in the football industry. In particular, he regularly advises sportsmen and professional clubs on all matters relating to contract and transfer negotiations and their compensation schemes. He also has extensive experience in assisting foreign investors interested in the European football industry.

On the academic side, he teaches at the LaLiga Sports Law Forum, and also at renowned institutions such as the Universidad Carlos III de Madrid, IE Business School or the Universidad Internacional de La Rioja (Master's degree in Sports Law).

The department headed by David Díaz has been advising Málaga CF, supervising all the club contracts, advising the owners on their decision making and on the way of communicating them. David Díaz represented the former club's executive Richard Shaheen in his lawsuit against the club and represented him against the court administrator, Jose María Munoz.

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15. Pablo González-Espejo

Uría Menéndez



Pablo González-Espejo is a partner at Uría Menéndez Madrid office. He joined the firm in 1994 and became a partner in 2004. Pablo is in charge of the Sports Law practice at Uría Menéndez, where he advises leagues, clubs and sportsmen on various matters, and where he has intervened in International Arbitrations before the CAS.

In October 2003, he returned to the Madrid office after heading the Uría Menéndez office in São Paulo. Since then, his professional practice has focused on Commercial and Corporate Law, with special emphasis on the areas of Telecommunications, Media, Audiovisual, Technology and Sports. He also leads the Digital Law Group, which coordinates the professional practice of all the firm's practice groups and offices in the field of digitalisation.

Pablo teaches Information Society and Electronic Commerce in the Master's Degree in Access to the Legal Profession at the Universidad de Navarra (UNAV) and Commercial Law in the Master's Degree in Access to the Legal Profession at the

Universidad de San Pablo CEU.

In addition to providing day-to-day advice to companies in these sectors, particularly on Commercial and Regulatory aspects, he has been involved in major company acquisitions, Joint Ventures, IPOs and outsourcing projects. His international experience has allowed him to advise on transnational operations, especially in Latin America and, in particular, with Brazilian clients

He is a member of the Spanish Association of Sports Law and has been considered by the most relevant directories as an outstanding lawyer in the fields of Commercial, Media, New Technologies, Outsourcing and Sports Law.

González-Espejo has a degree in Law and in Economic and Business Sciences from the Universidad Pontificia Comillas. 



THE TOP 10 IN-HOUSE LAWYERS IN THE SPORTS SECTOR IN SPAIN

After the Top Sports Lawyers ranking in private practice at law firms, we decided to finish the job and continue the research changing the focus now towards companies, presenting below a selection of in-house lawyers specialised in Sports Law. For this unranked list, the main criteria have been the recommendations of colleagues, both private practice and corporate lawyers, as well as the weight of the entities that they manage from their Legal departments, among others. In this case, we present them in alphabetical order, with equal distinction for all.



JESÚS ARROYO SÁNCHEZ

SEVILLA FC

Although he joined the club as a Legal advisor in 2006, Jesús Arroyo Sánchez has combined, since 2018, his work as head of the Sevilla Fútbol Club Legal department with that of deputy general manager of the club. Since January 2016, he has also been the vice-secretary of the Board of Directors. He has a degree in Law and in Business Administration and Management from the Universidad Pablo de Olavide and holds a Master's degree in Sports Law, as well as several Master's degrees in Sports Management. He is the Sevilla FC's main contact with UEFA, representing the entity together with the general director, José María Cruz, in the meetings of the European Association of Clubs (ECA) and in the Professional Football League. He also represents the club, together with other members, in the "Sevilla Fútbol Club: Universidad, Empresa y Deporte" chair at the Universidad Pablo de Olavide (UPO) and the Sevilla Club de Fútbol.



GEMA BARRASA SOTO

RAYO VALLECANO DE MADRID

Gema has a degree in Law from the Universidad Complutense de Madrid and was a lawyer at the Álvaro-Ossorio Abogados law firm before taking up her current position as head of the Legal department of the Rayo Vallecano in Madrid, where she has represented the interests of the club in all Legal areas for over 15 years. She was also at Rayo Vallecano where she held the position of non-director secretary of the Board of Directors until 2010.

Gema combines her in-house work at the club with the private practice. She is of counsel in the Sports Law area of the Sevillian firm [A]CODE Abogados, with offices also in Madrid and Granada, where she advises professional sportsmen and women, clubs, federations and any other sports operator. She works in association with the Anglo-Saxon law firm PARMARS SPORT, which is exclusively dedicated to the world of international Sports Law and, especially, to the professional football industry. She has participated in numerous actions before the highest sports bodies both at national and international level defending the interests of the club.

She also collaborates with media specialised in Sports Law, such as the international podcast Play On.



ELENA BORRÁS ALCARAZ

ROYAL SPANISH HANDBALL FEDERATION

Elena is a Law graduate from the Universitat Pompeu Fabra, and holds a Master of Laws (LLM) in International Sports Law. As a result of these studies and her work experience, Elena specialises in Sports Law, negotiation and drafting of professional contracts, defence before Arbitration courts in cases of doping, breach of contract, Image Rights, Sports sponsorship and Sports discipline. She began her career at Pintó & Ruiz del Valle and GA_P, and then as an international coordinator of a well-known legal media focused on Sports Law. She also has an academic background, as she has been a guest lecturer at the Escuela Universitaria Real Madrid Universidad Europea, teaching the subjects “Sports Discipline”, “Sports Law in the EU”, “Sport in the jurisprudence of the European Court of Justice”, “Spanish Sports Federations” and “Sponsorship and *ambush marketing*”.

She has been a member of the European Handball Federation (Court of Handball) since 2016 and, since September 2020, she has been head of the Presidential Cabinet of the Royal Spanish Handball Federation and secretary-member of the National Appeal Committee. She joined this body in 2009 as a member of the National Competition Committee and, two years later, began to head its international department, handling all matters with an international element for the Royal Spanish Handball Federation: international relations, international referee appointments, coordination of the participation of Spanish clubs in club competitions at European/International level, collaboration in communication, legal, disciplinary, technical-sports, logistical, administrative and accounting matters, etc. She has advised the executive bodies and presidency on the occasion of international matches in Spain, and Spanish National Team matches abroad.



MIGUEL GARCÍA CABA

ROYAL SPANISH FOOTBALL FEDERATION (RFEF)

He is deputy secretary-general of the RFEF and has been head of its Legal department. He is a member of the UEFA’s Control, Discipline and Ethics Body, an academic of the Royal Academy of Jurisprudence and Legislation of Spain, a member of the Chartered Institute of Arbitrators (MCiarb), an arbitrator of the Spanish Court of Arbitration for Sports of the Spanish Olympic Committee and a member of the Commission for Integrity and Prevention of Corruption in Sport of International Transparency Spain.

He has been head of the Legal Services Directorate of the Real Madrid Football Club and head for the Internal Legal department of the National Professional Football League, participating in the main legal cases related to football in the last twenty years, both at international and national level.

He is a contracted PhD teacher and teaches Administrative Law as an associate professor at the Universidad Carlos III and as a guest professor at different Spanish and foreign universities and academic institutions. He is the author, collaborator, director and coordinator of legal books and journals, having published more than a hundred articles and book chapters and has won various national and international legal research awards.

Among other university qualifications, he holds a PhD in law *cum laude* and a Master’s degree in Sports Law from the Universitat de Lleida. He has a degree in Community Law from the University of San Pablo-CEU, D.E.S.S. in European Union Law from the University of Paris I-Panthéon-Sorbonne, a Master’s degree in Sports Administration and Management and a Master’s degree in Corporate Social Responsibility, Accounting and Social Auditing.

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ÁLVARO GIL BAQUERO

CLUB ATLÉTICO DE MADRID

He is the Legal advisor specialised in Sports Law for the Club Atlético de Madrid and has been the manager and economic controller of the Club's Academy. He is a member of the Appeal Committee of the Royal Spanish Handball Federation. Previously, he was Legal manager and deputy to the Financial Management of the Organising Committee of the 23rd Men's World Handball Championship held in Spain in 2013 and was a Legal advisor in the Candidature of the same. He was also a member of the Competition Committee of the Royal Spanish Handball Federation from 2013 to 2019.

He teaches as a guest lecturer on Master's degrees and courses in national and international Sports Law at various universities and academic institutions in Spain and abroad, and is the author of dozens of articles in various forums, journals and legal publications. He is a regular speaker and attendee at congresses, conferences and courses specialised in the subject.

He has a degree in Law from the Universidad de Valladolid, and among his academic training specialised in the field of Sports Law we can highlight a Master's degree in Sports Law, LLM from the Instituto Superior de Derecho Economía in International Sports Law, Arbitration and Mediation, and the University Specialist Course in Economic and Financial Management of Professional Football from the Universidad de Huelva (Chair of Sports Law and Professional Football League).



ÁLVARO GÓMEZ DE LA VEGA JIMÉNEZ

RCD ESPANYOL DE BARCELONA

Álvaro Gómez de la Vega Jiménez has a degree in Law from the Universidad Pontificia de Comillas and obtained a Master's degree in International Legal Consultancy from the Instituto de Empresa. He has also been Legal counsel in the FIFA Player's Statute department, a lawyer at the Schweele Law Office in Lisbon, assisting his clients (professional and amateur clubs, sports federations, footballers, coaches...) in disputes before the FIFA and CAS headquarters. From the Lisbon office, he joined the Legal department of Malaga Football Club at the beginning of 2019 as a lawyer, under the guidance of Joaquín Jofre, and took over the position of head of this department in October 2019, when Joaquín left the club to set up his own boutique. Gómez de la Vega has represented the Andalusian club in the General Assembly of LaLiga and has dealt with issues such as the controversial dismissal of the former Malaga CF coach Víctor Sánchez del Amo.

In June 2020, he left Malaga CF to become head for the Sports Law area of RCD Espanyol de Barcelona. He is a contributor to the publications of various media in the legal sector specialising in Sports Law and to the LaLiga Legal Magazine, and is also a guest lecturer at ISDE and ESADE.



GUILLERMO LÓPEZ

YOU FIRST

Guillermo is Legal managing director and partner at You First Sports, a leading global talent representation agency that specialises in representing athletes and celebrities and in Sports marketing. Founded in 2002 and with offices in 12 countries on four continents, You First manages the careers of over 500 athletes globally in both football and basketball, as well as talent representation in the fields of e-sports, YouTubers and influencers. Although he has been part of the Legal department of this company since 2008, it was in 2010 when he became manager of the area, a position he has held for eleven years now.

Guillermo is a Law graduate from the Universidad Autónoma de Madrid, and holds a Master's degree in Journalism from the same university. He has worked for the sports section of El País and Cinco Días newspapers, which means that in addition to Sports law, he has extensive experience in the media.

Guillermo is a teacher at the Sports Agent executive programme at ISDE Law Business School, along with Juan de Dios Crespo, among others, and co-directed by NBA agent and his You First Sports' colleague Pere Gallego.



MARÍA JOSÉ LÓPEZ LORENZO

LALIGA

Galician by birth, María José López has been the Legal director of LaLiga for six years, although she has been working in the same department since 2013. She worked in the Dispute Resolution department of EY for five years. She also worked at the Príncipe Abogados law firm and previously as an in-house lawyer at the Official Chamber of Commerce, Industry and Navigation of La Coruña. A graduate in Law from the University of A Coruña, she is considered by her colleagues as "a great professional" who "has extensive experience in various areas, highlighting Litigation, Commercial or Administrative Law and also highlighting her rigour and high degree of commitment to clients." López is also recognised for contributing to the evolution of the professional football league by marketing its audiovisual rights collectively for the first time in its history, as well as for her expert Legal support in the internationalisation of the competition, creating affiliates and projects that contribute to the aforementioned marketing of audiovisual rights. She also stands out for developing and applying legal strategies that protect the Intellectual Property rights and the audiovisual content of the competition. Other important issues to which she has contributed include a dispute over the scope and breadth of LaLiga's powers, the treatment of legal measures to combat piracy and the facilitation of strategic sponsorship agreements on a global scale.



JOSÉ MANUEL MAZA MURIEL

REAL MADRID CF

A 35-year-old lawyer, José Manuel worked alongside José María Alonso, the current dean of the Madrid Bar Association, when he was managing partner of Baker McKenzie's Madrid office, within the Litigation and Arbitration department. He is currently head of the Legal Services department of the Real Madrid Club de Fútbol.

He is bilingual Spanish-English. He holds a degree in Law and Business Administration from the Universidad Pontificia Comillas and an LLM with honours, from Georgetown University, in Washington DC, with a specialisation in International Law and Arbitration. In addition to Baker McKenzie, where he was an associate in both the Madrid and New York offices for 3 years, he has worked in firms such as Freshfields Bruckhaus Deringer and Allen & Overy.

Since 2019, José Manuel Maza Muriel has been a member of the Court of Arbitration for Sport (TAS-CAS), the highest institution in international Sports Law, where he was appointed alongside Kepa Larumbe.

In the teaching field, he teaches Sports Law at the Escuela Universitaria Real Madrid Universidad Europea and has been an International Public Law assistant professor at the Universidad Autónoma de Madrid.



CLEMENTE VILLAVERDE HUELGA

GETAFE CF

The current general manager of Getafe Club de Fútbol has a degree in Law from the Universidad Complutense de Madrid and has been a practising lawyer since 1989. He combined his academic training with his activity as a professional player of Atlético de Madrid during eight seasons (1980-1988), and in Málaga CF during three seasons (1988-1991). In his last years as a professional football player he was the general secretary of the players' union and, once he retired, he signed as a lawyer for Atlético de Madrid.

He was a member of the RFEF Appeals Committee for two years and worked as a collaborating partner at KPMG from 2011 to 2016. In addition, until January last year, he held the position of first vice-president of LaLiga for seven years, where he used to be the representative at meetings of UEFA and the Association of European Clubs (ECA). In January 2020 he concluded his role as manager and adviser to Atletico de Madrid to join Getafe CF, ending a thirty-year period at Atletico de Madrid. He also teaches the new double degree of ISDE that will allow its students to study at the same time the degree in Law together with a Master's degree in Markets, Industry, Sports and Entertainment Law. 



EXPERTS ADVANCE TRENDS AND CHALLENGES IN **LAW FIRM MARKETING AND LEGAL COMMUNICATION**

TRENDS FOR 2021

Firstly, we asked what the five marketing, positioning and legal communication trends that they believe will mark 2021 are, and what they believe will be the main channels that will set the tone in 2021 for law firms.

Carlos García-León believes that “communication in 2021 in law firms will be marked by the current environment of health and economic crisis, with intensive use of technology.” For the managing partner of **Legal Reputation**, the pandemic has changed the way of working and the firms will continue to focus this year on their most valuable asset, their talent, and confirms something that was already highlighted last year: the great role played by internal communication in this scenario. “Good internal communication will be the best antidote to uncertainty, and it is essential to deliver the right messages at the right time, with empathy and assertiveness. Likewise, it will be necessary to reach out externally to the firm’s various stakeholders in order to increase its reputation, one of the main attributes of customer purchasing.” In this respect, García-León states that digital will continue to prevail even during this year: “Although an appropriate communication strategy will continue to combine the offline and online environments, digital communication will once again prevail in 2021. The majority of events and conferences will continue to be digital or, if possible, hybrid, and the firms will promote the contents in their own channels and without intermediaries: web, blogs, webinars, videos, post-casts, newsletters, as well as strengthening their profiles on LinkedIn, which is the social network par excellence for the professional world and which has the greatest penetration in business law.”

As for the keys to a valuable online presence, Legal Reputation announced that “they will focus on content marketing and on adapting it to the audiovisual field, with an omnichannel communication strategy. As for press appearances, which will continue to be of vital importance, online media will play an almost absolute role for law firms to the detriment of paper, with the exception of a few headlines with a good reputation and audience.”



ALTHOUGH AN APPROPRIATE COMMUNICATION STRATEGY WILL CONTINUE TO COMBINE THE OFFLINE AND ONLINE ENVIRONMENTS, DIGITAL COMMUNICATION WILL ONCE AGAIN PREVAIL IN 2021. THE MAJORITY OF EVENTS AND CONFERENCES WILL CONTINUE TO BE DIGITAL OR, IF POSSIBLE, HYBRID, AND THE FIRMS WILL PROMOTE THE CONTENTS IN THEIR OWN CHANNELS AND WITHOUT INTERMEDIARIES



Carlos García-León

Lidia Zommer and **María Ruiz**, managing partner and partner respectively of **Mirada 360**, give us five key points in response to this question. “The strategic use of LinkedIn in the framework of social selling strategies, the screening in the search and publication of awards, the emphasis on improving the evaluation of client satisfaction, the better use of the analyses generated by lawyers, head offices (in the case of international firms) and communication professionals and the greater and better use of audiovisual formats.” They also explain that owing to the situation caused by the pandemic and without a clear horizon, it is necessary to reinvent ways of approaching it. “Since the pandemic, and we do not know for how long, without the possibility of

making contacts at events, meeting for meals with clients or shaking hands with allies, we must reinvent traditional communication strategies.” All of this will be paramount to maintain, on the one hand, the credibility and on the other the confidence of the different actors, including clients, in the legal market. “The generation of a recognised expert profile, thought leadership, continues to be fundamental to the firms’ credibility as we sell intangibles and therefore depend on the trust we inspire in our clients. On how we position ourselves in their minds.” At **Mirada 360**, the need to replace face-to-face contact becomes more pressing than ever. “Today, compensating for the lack of opportunities to look at each other in the eye, the firms’ communication will play

an even more important role, if possible, through digital channels. The opportunity is to take advantage of this communication to go beyond prestige as an expert and participate in the dialogue by providing content with which lawyers and firms can connect, based on their own values, with the expectations of their stakeholders. With the values that make each firm unique or, at least, different.”

Eugenia Navarro, managing partner of **Tama Projects**, expresses a similar view. “I sincerely believe that the main challenge is to achieve valuable content that is aligned with the firm’s strategy, and that is segmented according to the



THE OPPORTUNITY IS TO TAKE ADVANTAGE OF THIS (DIGITAL) COMMUNICATION TO GO BEYOND PRESTIGE AS AN EXPERT AND PARTICIPATE IN THE DIALOGUE BY PROVIDING CONTENT WITH WHICH LAWYERS AND FIRMS CAN CONNECT, BASED ON THEIR OWN VALUES, WITH THE EXPECTATIONS OF THEIR STAKEHOLDERS



Lidia Zommer

needs of the clients.” Navarro also adds the importance of training and adapting lawyers to the online sphere so that digital communication is truly effective. “I believe that digital marketing is going to be of vital importance in building the brand, and for this reason, lawyers must be trained to adapt to the relevance of the online environment. LinkedIn will continue to be the network par excellence. Differentiation is another key aspect in the sector, and in many cases, it is linked to specialisation focused on business knowledge of companies and sectors. The delivery of audiovisual content will acquire great weight, and therefore networks such as YouTube channels will also play a great role. Training will be key to adapting lawyers to the digital world and improving

the way they hold webinars or interact on social networks.” Navarro thus summarises the five key trends for 2021:

- “Generating value content that is segmented and aligned with the firm’s strategy
- Differentiation through specialisation in the knowledge of the client’s business and its sector
- Relevance of the digital environment and especially LinkedIn
- Relevance of audiovisual content
- Training for lawyers”

Sara Santos, partner of **Venize Comunicación**, gives us an important clue when she states that flexibility is, since last year, the key value for survival and progress. “2020 changed all of

our forecasts, and it has become clear that flexibility is key in times of crisis for law firms that expect not only to survive but to emerge stronger and more accomplished. This will require creativity, attention to branding and digital content, and originality when creating new strategies to retain and attract clients.” Santos also announces that one of the main changes that 2021 brings is the intensive use of online channels and the use of technology. For Santos, the following are the main trends in legal marketing for this year: “- Putting clients at the top of your marketing strategy: now more than ever, firms will have to demonstrate a deep understanding of their clients’ needs and challenges. - Content marketing: the priority number one for law



THE MAIN CHALLENGE IS TO ACHIEVE VALUABLE CONTENT THAT IS ALIGNED WITH THE FIRM'S STRATEGY AND IS SEGMENTED ACCORDING TO THE NEEDS OF THE CLIENTS



Eugenia Navarro

firms should be to create quality content that addresses the questions of their potential clients. Videos and podcasts are taking on a special role in 2021, and webinars will continue to be the best alternative to face-to-face meetings and events.

- SEO: SEO strategies will be more technical and tougher. The legal market will be more competitive in 2021, because there will be more law firms working remotely. Law firms will have to work even harder to appear on the first pages of search engines.

- Brand purpose: during 2021 we will see how firms communicate their values more openly to increase affinity with their clients, to show that they are more humane and sustainable.
- Acceleration of technology accessible to all: in 2021

we will continue to live in a 'remote world'. Everyone, including law firms, will be able to adapt to new technologies ahead of schedule. We will also see this technology in legal marketing: new ways of advertising and artificial intelligence."

Susana Claudio, director of **Band 1**, agrees with her colleagues: "Communication in 2021 will continue to establish itself as a key tool for managing reputation, productivity, improving business results and attracting talent, with more personalised messages to recover this 'human touch' that can be lost with digitalisation. The visibility of the partners as leaders oriented to communicate will be enhanced." For her, the communication strategy for 2021

also necessarily goes through digital or through "a hybrid in which the digital part is the most important," she says. Although for Claudio, content is still the king of communication strategies, new formulas will be sought: "New formulas are being sought: formats such as webinars, podcasts and video production will continue to grow. An increasingly likely trend is the integration of live digital events, social media broadcasts, and real-time chats with both physical and virtual attendees. It will continue to be a multi-channel communication where social media, specifically LinkedIn, will have a lot of prominence: it is no longer enough to be present in social media but they have become channels of communication and



2020 CHANGED ALL OF OUR FORECASTS, AND IT HAS BECOME CLEAR THAT FLEXIBILITY IS KEY IN TIMES OF CRISIS FOR LAW FIRMS THAT EXPECT NOT ONLY TO SURVIVE BUT TO EMERGE STRONGER AND MORE ACCOMPLISHED. THIS WILL REQUIRE CREATIVITY, ATTENTION TO BRANDING AND DIGITAL CONTENT, AND ORIGINALITY WHEN CREATING NEW STRATEGIES TO RETAIN AND ATTRACT CLIENTS



Sara Santos

promotion. Digital advertising campaigns, sponsored content and the use of new tools to understand the results will continue to increase.”

As for the necessary positioning, for Claudio the answer is clear: “Law firms will continue to use international directories as another tool for positioning and reputation, but will be more selective when it comes to participating. Internal communication in a teleworking environment if well implemented will help improve productivity, promote a positive work environment, and create brand ambassadors.”

David Muro, partner of **Gericó, Muro & Asociados**, speaks about this same point: “Without a doubt, one of the main trends will be the digital positioning

of firms, since they have been forced to reinforce their online presence, in order to impact on their target audience through webinars, the generation of valuable content, or to reinforce their strategy on social networks, with LinkedIn as the leading social media. On the other hand, teleworking will continue to demand the development of a very fluid internal communication. On the same digital front, the war for finding and retaining the best talent will intensify, with firms investing more on branding and visibility. In 2021 we will also experience a strong concentration of firms, and mergers, integrations and buying and selling operations will have to be accompanied by very powerful communication strategies to highlight their benefits. On the other hand,

the professionalisation of business development and commercial organisation in law firms will be a maxim in 2021,” he answers.

For her part, **María Jesús González-Espejo**, CEO of the **Institute for Legal Innovation**, offers a broader view of the year that has begun. “It will be a year where the crisis, business restructuring, the employment market, conflicts and European aid will set the agenda for the legal sector. These five major factors will set the trends for 2021. With regard to external communication channels, they will remain the same as in previous years: press, blogs, social networks. The internal ones will be even more important than in the past



LAW FIRMS WILL CONTINUE TO USE INTERNATIONAL DIRECTORIES AS ANOTHER TOOL FOR POSITIONING AND REPUTATION, BUT WILL BE MORE SELECTIVE WHEN IT COMES TO PARTICIPATING



Susana Claudio

because teleworking requires additional efforts in that area.”

ECONOMIC RECOVERY

Alfonso Everlet, managing director of Gericó, Muro & Asociados, gives a clear answer to the questions that the firms will be asking the legal sector communication agencies in this crucial year for the recovery of the economy: “The requests will be articulated in two fundamental axes: positioning by speciality and business development, with a visibility that is more adjusted than ever to the firm’s business niche in a market that is more digital and competitive than ever, and with demand shrinking.” María Jesús, Chusa, is also emphatic in stating what seems obvious: “Essentially we need to help

them not to lose clients and to get new ones, that is to say, to develop their business.” For Mirada 360, the firms’ budget will also play an important role in this respect: “The firms will ask for the usual or less because they are worried about their budget. However, we as consultants have a moral duty to tell them that, if they continue to do what they have always done, the fireworks and self-publicised communication so common in our sector, in these very atypical circumstances, they will be even worse perceived by the market” and proposes that they “identify strategies that really work, that are tuned with their audiences, that talk to their clients and professionals in two-way communication” to help generate a differentiating,

credible and attractive positioning. “Copying is never an option,” concludes Zommer. “Our challenge is to work with the knowledge of the sector that we have, to turn it into some market intelligence, and to detect opportunities for differentiation for customers that are not obvious or evident,” they explain. Navarro, for his part, believes that the firms will ask the sector agencies for support to achieve and maintain brand awareness and differentiation, using the digital and audiovisual environment.

STRATEGY

But what about the strategic level? We asked the experts what decisions will guide the year of the different law firm



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David Muro

profiles. In this regard, the founder and director of the Institute for Legal Innovation announced that 2021 “will be a second complicated year, which will make the firms face constant challenges in all areas of management. It will be necessary to have a long-term vision of the business and at the same time, respond quickly to new situations. The most important decisions will affect the management of people, offices, clients, operations and technology.”

Gericó, Muro & Asociados stresses, among other things, the importance of internationalisation: “Large firms will continue to build bridges with international markets as the spearhead of their strategy, especially by strengthening their position in Latin America. Furthermore,

the pandemic has shown more than ever the importance of focusing on human capital. On the other hand, medium-sized firms will bet on concentrations to add up turnover in the face of a shrinking market. As for the boutiques, we will see many integrations of partners with portfolios to add turnover and commercial capacity, and even in those with sufficient financial lung, integrations,” answers **Marc Gericó**, partner of the firm. “I believe that innovation and digital transformation are on the table in every law firm. Strategic positioning will be key to competing in this increasingly complex, changing and uncertain market,” responds Navarro. And she also adds, depending on the firm’s profile: “Large firms: Differentiation through innovation, optimisation of processes,

improvement of profitability and growth processes (mergers and integrations, internationalisation, etc.) Medium-sized firms: brand awareness and growth and probably more specialisation. Small firms: Brand generation, inorganic growth to gain competitiveness and specialisation in client’s sectors of activity.”

Lidia Zommer and María Ruiz, partners of Mirada 360, agree that all models will have to face a new uncertainty for our generation. More than strategic decisions, we would be talking about challenges, some of which, they say, are:

- “How to reformulate teams while crisis-related services are over demanded and growth services with no demand.
- How to get new clients



IT WILL BE A YEAR WHERE THE CRISIS, BUSINESS RESTRUCTURING, THE EMPLOYMENT MARKET, CONFLICTS AND EUROPEAN AID WILL SET THE AGENDA FOR THE LEGAL SECTOR. THESE FIVE MAJOR FACTORS WILL SET THE TRENDS FOR 2021



María Jesús González-Espejo

without being able to know and relate properly to potential ones.

- How to deal with the new personal problems of your professionals in a pandemic.
- How to be more efficient without losing security.
- How to accompany clients in downtime, both in their problems as companies and personally.
- How to deal with regulatory chaos and increasing regulatory complexity.
- How to prepare for the exit of the pandemic, when the economic crisis will persist.”

LEGALTECH ENVIRONMENT

To conclude this analysis, we asked the specialists what role Legaltech tools will play in the

law firms this year. “The role of technology in law firms will be twofold: on the one hand, it will help automate tasks, better control activities and prevent lawyers from engaging in activities that do not add value. On the other hand, more and more firms are providing digital transformation services. This new line of services will certainly grow this year,” replies the director of the Institute for Legal Innovation, María Jesús González-Espejo. For Eugenia Navarro, managing partner of Tama Projects, these “will be key to improving efficiency and enhancing the competitiveness of the firms. Innovation is the firms’ response to adapt to the environment, and technology is the tool to achieve this. The crisis caused by the pandemic is going to require an effort in improving processes and in

being supportive of companies in terms of fees, this implies the use of technology. On the other hand, the impact of Legaltech on the legal sector is exponential; we will see new startups, new models and new services. The legal sector is becoming richer with more service provision models. Innovation is also the point that will most and best differentiate law firms, and again, technology is the tool to achieve this. Lawyers will have to broaden their knowledge and incorporate digital and technological skills into their toolbox to take a further step in their career.” However, Alfonso Everlet believes that “more than the tools themselves, which are on the rise, the great protagonist will be the digital transformation of the company’s legal departments, which will be accompanied by a pressure on the firms in the same direction.” ■

ABOUT THE PARTICIPATING AGENCIES



BAND 1

Communication agency specialised in the legal sector. Its main objective is to help professional firms improve their visibility, reputation and positioning in international directories.



GERICÓ, MURO & ASOCIADOS

Gericó, Muro & Asociados is a leading marketing, legal communications and business development consultancy in Spain. They are leaders in personnel team and client orientation. With over a decade of experience in the legal sector, both leading the Marketing department of a top 30 Spanish firm, and advising 3 of the 5 largest firms worldwide as consultants, Gericó, Muro & Asociados is the result of the merger for the Spanish market between Gericó Associates and David Muro Consultores.



INSTITUTE FOR LEGAL INNOVATION

It is a consulting firm that offers comprehensive advice on management, innovation, digital transformation and legaltech to law firms. Its value lies in its knowledge of technology, in its international projection and in its proven capacity to innovate. They are the creators of www.comparador-legaltech.com, of the digital transformation and legaltech guides and the organisers of the HackTheJustice and JustiApps hackathons and the Legal Design Challenge.



LEGAL REPUTATION

It is one of the first reputation and communication management consultancy firms specialised in the legal sector in Spain and with a high level of expertise in business law. It has a team of professionals in Madrid and Barcelona, mainly lawyers and journalists, who work to align communication with the reputation of their clients and to promote their business.



MIRADA 360

Mirada 360 is a consultancy for law firms in Spain and Latin America. With twelve professionals specialised in the sector in an effective and efficient combination of experience and youth, it provides strategy and implementation services in the areas of business model, reputation, communication and marketing. Its clients range from legal boutiques to large national and international firms.



TAMA PROJECTS

It is a consulting company specialised in offering strategic solutions for the legal sector. It has more than 20 years of experience and in-depth knowledge of market operators. Its projects always have a comprehensive approach that combines business development with brand positioning and communication. They are well acquainted with the law firm perspective, as well as the different legal services providers. For them, innovation is the response to the constant change in the environment and is part of their way of working.



VENIZE COMUNICACIÓN

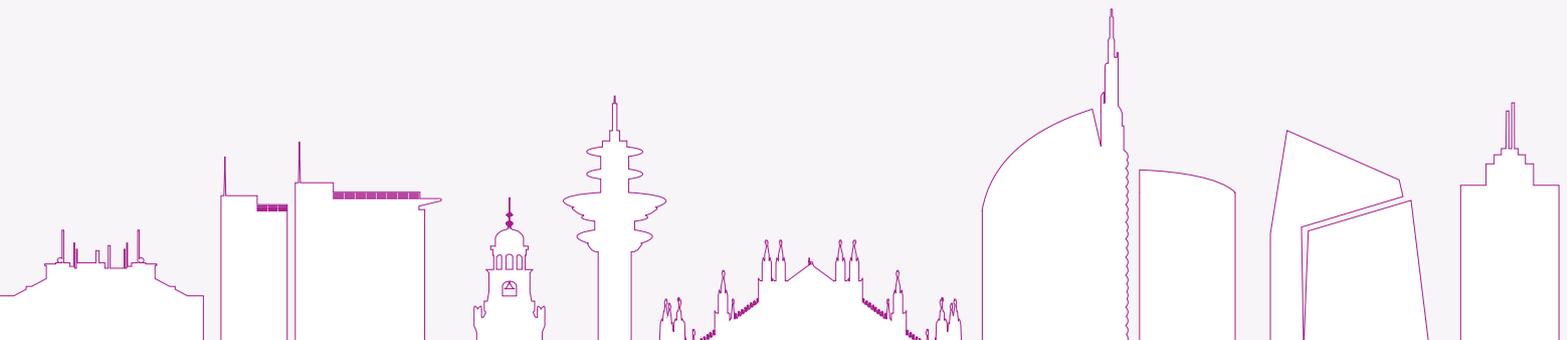
It is a communication, marketing and business development consulting firm specialised in the legal sector. Its team is made up of experts in the media, international legal directories, and in the management of the marketing department in law firms. Its objective is to deeply know and understand the needs of each client, and thus to develop projects tailored to each one.” 

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Milan, Italy



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CWP: Conferences and working program

SEP: Social events program

 Open with registration

 Invitation only

MONDAY 7 JUNE			Partners	Address
9:00 - 13:00	 CWP	Opening conference: "Innovation and artificial intelligence" (Lunch to follow)		Tbc
14:00 - 16:00	 CWP	Roundtable: "New media"		Tbc
16:00 - 18:00	 CWP	Roundtable		Tbc
From 18:30	 SEP	Corporate Counsel Cocktail	GattiPavesiBianchiLudovici	Tbc
TUESDAY 8 JUNE				
8:00 - 9:30	 CWP	Breakfast on Finance		Tbc
9:15 - 13:00	 CWP	Conference: "Africa and the Middle East" (Lunch to follow)		Tbc
14:00 - 16:00	 CWP	Roundtable: "Cross border litigation"		Tbc
16:00 - 18:00	 CWP	Roundtable: "CSR & Sustainability: Business Ethics in Crisis Situations"		Tbc
18:00 - 20:00	 SEP	Networking Roundtable		Tbc
From 19:00	 SEP	Best PE Deal Makers Cocktail		Tbc
WEDNESDAY 9 JUNE				
6:15 - 8:30	 SEP	Corporate Run		Tbc
9:00 - 13:00	 CWP	Conference: "LATAM" (Lunch to follow)		Tbc
11:00 - 13:00	 CWP	Roundtable		Tbc

Legalcommunity Week 2021 – Program (in progress)

CWP: Conferences and working program

SEP: Social events program

 Open with registration

 Invitation only

18:00 - 20:00	 SEP	Discussion and Cocktail		Tbc
18:30 - 20:30	 SEP	Talks & Cocktail		Tbc
19:30 - 23:30	 SEP	Corporate music contest		Tbc
THURSDAY 10 JUNE				
9:00 - 13:00	 CWP	Conference on Finance (Lunch to follow)	CHIOMENTI	Tbc
19.15 - 23:30		Legalcommunity Corporate Awards		Tbc
FRIDAY 11 JUNE				
18.00	 SEP	International guest greetings		Tbc

SEE YOU FROM
7 TO 11 JUNE 2021

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HOW CAN I TAKE ADVANTAGE OF THE INFORMATION I GET FROM A CRM IN MY LAW FIRM?

If machines need electricity to operate, businesses need data! It is as simple as that. And the legal sector is no stranger to this. Let's be clear, not all firms have the same budget or necessity (for now) to invest in sophisticated technologies like Big Data. But there is a tool that is within the reach of any firm and that allows to obtain data in a simple way: the CRM

by antonella puntriano,
Business Development specialist for the Legal sector

What is a CRM?

The CRM (Customer Relationship Management) is a software that not only allows to better manage the sales flow of the firm and to better manage the communication at the beginning of the relationship with a potential client, but also allows to obtain valuable data that is fundamental to design and implement correct marketing and business development strategies. Every day (or at least, that

is what we all expect) new potential client requirements are received by the firms through recommendations, social networks, a website, a newsletter shared with a database, etc. This is where the CRM comes into play, because it allows us to automate the entire sales process, from the moment the lead (a potential client who showed interest in our firm) arrives until the sale is closed or not. Some advantages of having a CRM are as follows:



- It stores all the data of the sales process in one place. What information can I record? Contact information of the lead, date of contact, company characteristics, the responsible for that account within the firm, among others.
- It segments clients into as many practice areas or sectors as necessary.
- It organises lead information into sales phases: opportunity created, opportunity waiting and, opportunity successfully closed or opportunity lost. This makes it easier to follow up on the sales process.
- It allows setting up reminders and scheduling them.
- It facilitates teamwork because it allows different areas of the firm to communicate more effectively through simultaneous interaction on the platform. For example,

administrative staff may intervene to control billing and sales issues; a lawyer may intervene if he/she has a particular interest in an account; or marketing may intervene to monitor the success of a particular campaign, etc.

How does it work?

For those who have not yet had the opportunity to interact with a CRM, I will briefly explain how it works through an example: The company “2021” (do not judge me for the unoriginal name) asks the law firm “XYZ & Asociados” (a full-service firm) for a quote to become their head lawyers and take care of their Commercial, Tax and Labour matters. Immediately at that time, the person responsible for managing the firm’s CRM enters this new request into the CRM, consigns the contact information of “2021” and assigns a partner of the firm as responsible for that account. The partner will receive this new request in his/her e-mail

and will proceed to elaborate the commercial proposal and send it to the potential client. Days after the submission, the firm contacts “2021” to carry out a correct follow up of the sales process, but receives not entirely positive news: the potential client has decided to hire them only to provide Labour advice, but not Commercial or Tax advice. For those matters, they will hire a competitor! And just like the company “2021”, six other companies decided not to hire the firm’s Commercial and Tax services for a year. And this is where the CRM comes in as a strategy, because at the end of the day, the CRM is not only a technological tool, but it works as a business intelligence unit. The correct use of this tool allows us to analyse data and from this we can design better strategies. What information would the firm “XYZ & Associates” obtain after analysing their CRM data? The answer is a little obvious: Its Commercial and Tax areas are

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"A CRM IS NOT A TOOL THAT WILL MAKE THE FIRM 'SELL MORE' OVERNIGHT. IT IS A TOOL THAT ALLOWS TO AUTOMATE AND PROFESSIONALISE THE SALES PROCESSES, TO BETTER UNDERSTAND THE DYNAMICS OF THE LEADS (POTENTIAL CUSTOMERS), BUT MOST IMPORTANTLY IT ENABLES TO OBTAIN IMPORTANT DATA THAT WILL BE ESSENTIAL AT THE TIME OF DESIGNING AND IMPLEMENTING CORRECT MARKETING STRATEGIES AND BUSINESS DEVELOPMENT WITHIN THE FIRM"

not transmitting to the market a correct value proposal. They are not convincing the audience. Having said that, what strategy could that firm carry out to improve the positioning of those two practice areas in particular? For example, they could:

- Improve the digital positioning of the partners that are responsible for these areas in order to consolidate their leadership in the market
- Improve the inbound marketing strategy through the creation of valuable content that attracts the attention of potential clients
- Analyse their prices against the competition
- Improve the social media positioning of the practice areas in question.

Does CRM work only for large law firms?

The answer is absolutely not. Both large and boutique law firms can benefit from a CRM. There are even free versions

of CRM on the market that can easily be adapted to the needs of a firm with less budget to invest in this type of technology.

Can I integrate the CRM with other platforms?

Of course you can. Many CRMs allow integration with mass mailing platforms, social networks, Typeform (virtual forms), Wordpress (tool for creating web pages), among others.

Some examples of CRM in the market:

- Salesforce
- Pipedrive
- HubSpot
- Zoom CRM
- Agile CRM
- Nexl

In conclusion, a CRM is not a tool that will make the law firm "sell more" overnight. It is a tool that allows the automation and professionalisation of the sales processes, better understanding of the dynamics of the leads

ABOUT ANTONELLA PUNTRIANO



Antonella Puntriano, besides being a lawyer, is a specialist in the design of strategic and business development plans for the legal sector, including operational, commercial, and strategic communication plans. She also has experience in the application of the Legal Design methodology and is a member of the International Academy "Legal Creatives". Law degree from the Universidad Peruana de Ciencias Aplicadas - UPC. Master's degree in International Business (minoring in project management) by EAE Business School in Madrid and Master's degree in International Economic Relations Analysis by Universidad Rey Juan Carlos (Spain). Postgraduate degree in Contracts and Damages from the University of Salamanca. 

(potential customers), but above all, it allows obtaining important data that will be essential when designing and implementing correct marketing and business development strategies within the firm. 

STATE OF THE ART TECHNOLOGY AT THE SERVICE OF THE HEALTH SECTOR CHALLENGES

Immersed in the inexcusable reality surrounding us, we took the opportunity to speak with Siemens Healthlineers general counsel, Hugo de Almeida Pinho. Thanks to this prestigious Portuguese lawyer, Iberian Lawyer could know a little better the challenges that avant-garde medical companies like this have to face because of the pandemic the world is trying to defeat.

by antonio jiménez



HUGO DE ALMEIDA PINHO

During your career, you have spent some discontinued periods working at Siemens, until you found your place at Siemens Healthineers, where you have received professional recognition and also stability. What did you find in Siemens at first and after in the Health Science subsidiary?

Until now, my career path is quite peculiar since I started in a law firm, then moved in-house, then came back to a law firm again just to return to in-house once more! My first in-house experience was exciting since I left a Portuguese law firm (ABBC – now part of DLA Piper Group) to work for one of the major global multinational companies with thousands of employees in Portugal (including, at that time, two factories).

This was also my first experience in a leading role (as head of Legal for the HR department) and provided me with a broader and very interesting first HR experience (since I eventually became the HR responsible for the two Siemens factories in Portugal).

The global structure and state of the art procedures were fascinating. The company's broad portfolio at that time provided a feeling of being able to work on all the important sectors of the economy. After that experience, I joined Linklaters, a Global law firm, to broaden my legal expertise to different areas. It was not long before the opportunity to return to the Siemens Group arose – I was invited by the new management of Siemens Healthcare (at that time, recently separated into an independent company). There I found an amazing structure, fantastic people and a company mission that makes me proud, especially in this "Covid era" where our daily impact in the Healthcare sector became even more evident.

In the current context of the pandemic, Health Science has taken on a leading role in the press and the media, but what do you think are the sector's main challenges from a legal point of view, which is the less known side of it?

I would say that the main legal challenges presented by this pandemic context are related to:

The time pressure that escalated even higher because of the demand to serve our clients quickly and with custom-fit solutions to tackle completely new challenges.

The challenges of dealing with a continuous cascade of new legislation that is published continuously as a response of governments to tackle this pandemic and its economic consequences. I would also add that these very long periods of remote work, also presented interesting challenges on keeping the

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I SEE COMPLIANCE AS THE FIRST LINE OF DEFENCE OF EVERY MAJOR ORGANISATION

”

crucial close collaboration between business and legal teams.

Portugal is not usually thought of as a leading country in technology, yet the reality belies that cliché. What is your opinion on the emergence of cutting-edge ventures in the country?

Since I joined Siemens that cliché that already from my previous experience working with Portuguese companies was not accurate was belied entirely. I saw a company that, time and time again, was pointed internally as a best practice example in so many areas, that developed state of the art solutions that were exported all over the globe, that has dozens of competence centres and expert hubs (including legal hubs that provide legal advice to several countries in specific areas) that were installed in Portugal due to our outstanding local workforce and technological aptitude. I also see several of local colleagues thrive internally to regional and global positions (including myself). Nevertheless, we still have bigger challenges than most countries, due to our small market, that demand an even greater focus, awareness, and anticipation to seize any opportunity that arises and prove our fitness and attractiveness to bring more business to Portugal.

You make your vocation as a lawyer compatible with the business trend. You studied at the ISCTE Business initially, and you still teach in a centre dedicated to training in the business sector. Can each of these universes contribute to the other? Don't you think that too often there is a tendency to isolate almost interchangeable areas?

There is a recurrent and very accurate saying that states that "a lawyer that is only knowledgeable about laws, not even about laws is he knowledgeable" (in a very free translation from my side). And I could not agree more with this idea, especially if you are in-house in a management role. It is not so critical to know the exact article covering a specific topic you can easily involve an expert in the relevant

Siemens Healthineers in numbers

MEDICAL EQUIPMENT AND SERVICES

OVER 50,000
employees

MORE THAN 70
countries

MORE THAN 70%
of critical clinical decisions are
influenced by the type of technology
provided by Siemens.

AROUND 240,000
patients get in touch with their
systems every hour

MORE THAN 90%
of the global top 100 healthcare
providers partner with Siemens

An estimated **five million** patients
worldwide everyday benefit from their
innovative technologies and services

They are a leading medical technology
company with over 120 years of
experience and 18,500 patents globally

The revenue amounts around

€15 BILLION

field for that. But it is critical to have a business sense, understanding the most relevant issues from a business and take decisions with perspective. Also, having a broad knowledge and experience that provides you with the tools to assess the significant risks quickly could lie in each different scenario. And not only legal risks. Understanding which relevant stakeholders to involve. Of course, experts in isolated legal areas are needed when you need to dive in the details. But, even in these cases, it is crucial, in my opinion, to have some business knowledge and experience with interchangeable areas to provide adequate and real applicable legal advice.

One of the most sensitive aspects of technological progress is that related to Data Protection. You are responsible for this issue for southern Europe at the company. What is the current situation? Is it possible for this aspect to be regulated in a more stable manner and definitively in the oncoming years, or will we continue to witness the emergence of new realities as a constant phenomenon?

Data Privacy is one unavoidable topic these days for any company or legal professional. Even within the pandemic scenario, Data Privacy came up as a red flag topic each time a European government wanted to discuss the possibility of tracking their people to control the disease's spreading.

For technological companies, especially big companies, this topic is even more relevant. It presents specific challenges that demanded a significant investment in human resources (hiring or training experts) and in a particular technology to help achieve GDPR

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WE STILL HAVE BIGGER CHALLENGES THAN MOST COUNTRIES, DUE TO OUR SMALL MARKET, THAT DEMAND AN EVEN GREATER FOCUS, AWARENESS, AND ANTICIPATION TO SEIZE ANY OPPORTUNITY THAT ARISES AND PROVE OUR FITNESS AND ATTRACTIVENESS TO BRING MORE BUSINESS TO PORTUGAL

”

Compliance standards.

I would say that I don't expect significant deviations from what we already have in terms of regulation. Still, we will continue to adapt to this new reality from every stakeholder (Governments, Data Privacy authorities, companies, data subjects, etc.). And there are still many significant challenges to deal with - as the Schrems II judgment, by the Court of Justice of the European Union (CJEU), that declared the European Commission's Privacy Shield Decision invalid on account of invasive US surveillance programmes clearly proves, alongside with major developments in the IA field.

Therefore, I expect that the following years are still very challenging from a DP perspective.

Every technological development represents a new challenge for Compliance. However, at the same time, it is precisely technology that is providing many of the tools that allow greater control over these legal aspects. How do you see, even from an almost ontological perspective, the paradox of Compliance?

I see Compliance as the first line of defence of every major organisation. However, suppose Compliance is seen merely as internal guidelines, internal "enforcers" and investigators that put the company interests above the employees' individual rights. In that case, the success of such Compliance programs is certain to fail in my opinion.

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WE TEND TO SELECT AMONG EXPERTS THAT ARE CLEARLY RECOGNISED AS TIER I INDIVIDUALS FOR EXPERT TOPICS

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To be effective, Compliance programs need to go hand by hand with the company values and principles. Need to support the several relevant stakeholders, from a partnership perspective. Compliance professionals should not be seen as the "enforcers" but, instead, as business partners that, together with all other functions, support, train and protect the different stakeholders when navigating the daily business challenges – with this motto, company interests will also be effectively secured while mitigating the issues around individual rights.

You are legally responsible in the company on behalf of the Portuguese-speaking countries of Africa. What is your perspective on the development process in those countries? Especially from the Medical Technology and Health Science sectors perspective.

Unfortunately, I believe that the real impact of

ABOUT HUGO DE ALMEIDA PINHO

Hugo de Almeida Pinho is currently the general counsel and head of Compliance and Data Privacy at Siemens Healthineers Portugal. He is also responsible for Data Privacy topics for the Southern Europe zone and Antitrust Compliance topics for the EMEA region.

He has more than ten years of experience in top law firms and multinational companies, with relevant experience in the healthcare and manufacturing sectors and Portuguese-speaking African countries. He also has relevant experience in the HR field, as HR director, and as a guest lecturer in executive training.

With a Business and Law background, he already won some relevant individual and team awards for his roles at Siemens Healthineers.

He also has an entrepreneurship mindset and is the founder of a Real-Estate investments boutique firm. 🇵🇹





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I BELIEVE THAT REMOTE WORKING WILL CONTINUE TO BE A BIG TREND AND THAT WE WILL NOT GO BACK TO THE PREVIOUS *STATUS QUO* IN THIS MATTER



the COVID-19 pandemic in these countries is not yet clear and that the near future will make it even more obvious the urgent need of investment in the Healthcare Sector. This may bring opportunities for improvement, namely through international funding, and we already see some significant investments planned in the Healthcare sector in some of those countries. Hopefully, this is a sign of meaningful improvement on the respective development process in these areas.

As the company's Legal officer, you will often have to rely on external firms to support the company in various operations or even for Litigation. How do you select those firms?

I would say that depends. For the more "daily" advice, the relationship and know-how of our company and business are critical in the selection of the law firm – it needs to go beyond the mere outside counsel, but act as a true partner of the organisation and an "arm" of the in-house legal team. We tend to select among experts that are clearly recognised as tier 1 individuals for expert topics. In this case, publications like Iberian Lawyer guidance maintain a clear insight into the Legal market and professionals.

Siemens is one of the emblems of European Technology in an environment where there is a growing identification between corporations and the governments of the countries or regions where they are based in. How does the Legal department view this confrontation between Europe, North America and Asia? Are you forced to be very alert to changes in each of these jurisdictions?

As part of such a group, both Siemens as a group and Siemens Healthineers are global enterprises that operate across the globe. In Healthineers, we do

not feel like a European company. Still, as a real multinational company – for example, we have part of our top management and HQ of significant businesses located in the USA.

Therefore, legal challenges are also much more "global". We are part of a global Legal team. In many cases, the team members have regional or global functions that demand a constant awareness of relevant changes in several jurisdictions. We do not feel any confrontation between regions. We enjoy the challenge of collaborating with colleagues from all over the world; and having, at least to some extension, a common overall approach in terms of Legal and Compliance.

How do you see the future of the sector after the control of the COVID-19? What do you think will be the main challenges it will face?

I believe that remote working will continue to be a big trend and that we will not go back to the previous *status quo* in this matter. This was something that had already started before the pandemic, but Covid only pushed it sooner and harder. It is now clear that nothing will be the same again for jobs that can be done remotely. Some of the major tech companies already announced a permanent flexible regime and all will follow in some way. Here, the challenge will be to understand how to effectively combine the positiveness of work flexibility with the downside of lacking personal contact, team spirit, etc. It will probably be tackled through hybrid regimes, but it will be a new reality without a doubt. Siemens Healthineers, for example, is already implementing such hybrid controls for the future.

In terms of the legal market, I am inclined to bet that we will also see a tendency of internalisation of legal functions since this pandemic showed the advantages of having Legal and Compliance professionals in-house, who are in the front line together with the business, and really know its challenges and are fully dedicated to a common cause.

For the Healthcare sector, I believe the future will be enjoyable since it was clear to everyone, in almost every country, that we need more investment in the healthcare structures and in our public healthcare systems. In this case, the challenges are related to making sure that all the budget and funding aimed at the healthcare system are well used and correctly channelled.

One additional remark, I am also sure that no lawyer will look at the typical "*Force Majeure*" clause the same way! 🍷

**PATRICIO
MORENÉS HOYOS:**
"THE KEY TO SUCCESS
IS TO ATTRACT THE BEST
TALENT ON THE MARKET"

In situations such as those we have recently experienced, it seems clear that there are sectors that are way ahead when it comes to survival. One of them is food retailing, which has been at the forefront in 2020 and has, in general, done the impossible by ensuring the population is not left without supplies. One of these groups has also successfully overcome complex obstacles and an "internal revolution" that has cleared their financial horizon, the DIA Group. We have discussed these and many other issues with Patricio Morenés Hoyos, deputy general counsel of the DIA Group, who is a young and well-prepared lawyer and an expert in Commercial Law, who likes challenges and, since joining the Legal team of DIA Group, has added a lot to the new era of this food retailer whose slogan is "Cada DIA más cerca" (Closer every day)

by desiré vidal

Let's start at the end. Your arrival at DIA Group is relatively recent, but it has just given you time to experience a very important process for the company that, it seems, will be the basis of its economic recovery. How have you lived it? What is the most important thing you have learned from this experience?

As you say, I joined DIA Group relatively recently (in April 2020). However, time is relative when one embarks on a project of the magnitude that we are currently undertaking. Many managers agree that this is probably the most important European food retailer project in recent years, in terms of size and ambition for change, which naturally translates into a unique intensity of daily work for all those involved.

Within the different aspects of the revolution that we are carrying out, we needed to revisit our debt commitments in order to guarantee a clear maturity horizon in the short and medium-term, so that we could achieve credit stability that would allow us to focus all our efforts and resources on the client and on the development of the business plan.

In a few (but intense) months, we have replaced the majority of our bondholders (concerning bonds issued for a total amount of €600 million) and renegotiated certain terms of all our syndicated debt (for an amount greater than €900 million), including an extension of its maturity until 2025, the effectiveness of which is subject to the fulfilment of a series of conditions. This restructuring process should also result in a total debt reduction for the group of around €500 million.

The previous transactions had a mix of English/Spanish law components and therefore many of the alternatives that were considered for implementation have undoubtedly been very cutting edge, especially on a technical level, and have enriched the experience of those involved

Perhaps what stands out more than anything else is how important it has been, and it still is, throughout this process, to have such strong bonds with a shareholder who believes in DIA such as L1R. Its presence is decisive for the group's future.

You come from the world of law firms and, in particular, from firms such as Deloitte, in your earlier days, Allen & Overy, for almost six years, and most recently KPMG. Why did you decide to make the jump to a private company?

The question is certainly interesting, I confess. Much has been said about the differences between working at a company and working at a law firm. However, I believe that this difference is becoming less defined, especially in large and sophisticated Legal

departments such as ours. In fact, there are more successful cases of colleagues moving from companies to law firms and vice versa. For my part, working at a law firm comes more naturally to me and the new position has not changed my understanding of the profession and approach to matters.

As for the concrete motivating elements of the change, I would say there were several, including:

- **Confidence in the project.**

ABOUT PATRICIO MORENÉS HOYOS



Patricio Morenés Hoyos (born in Bilbao, Vizcaya) is the deputy general counsel of the DIA group and director of DIA Retail España, S.A.

Patricio studied Law and Marketing at C.U. Villanueva (university centre attached to the Universidad Complutense de Madrid). These studies were complemented, at the end of his studies, by a Master's degree in Legal Consultancy for Companies (LL.M) at the Instituto de Empresa de Madrid (I.E.).

He started working in 2009, doing internships in firms such as Freshfields (Real Estate) and GAPO (IP). However, the bulk of his professional career, until starting as deputy general counsel of the DIA group in April 2020, has been accumulated in the world of Corporate/M&A, in firms such as Deloitte Legal, Allen & Overy and KPMG Abogados. [w](#)

Confidence that came from the person who offered me the opportunity to be part of this project, Sagrario Fernández Barbé (general counsel). I had already worked with Sagrario when she was the general counsel of Prosegur and when I was at Allen & Overy. Specifically, during 2017, I was leading the on-site M&A operations Prosegur carried out in Asia, travelling on numerous occasions to Singapore. There, we had the opportunity to meet, understand each other professionally and share the vision of the necessary professional performance for this type of position. I am aware of the strong confidence that DIA and Sagrario have placed in me at all times, for which I am and will always be grateful.

- **The challenge.** Becoming the deputy general counsel of a listed company of the stature of DIA seemed to me, from the very beginning, a very interesting project and an irrefutable opportunity. Clearly, it also involved taking some risks, and it was obvious that this was a demanding path on which there was (and still is) much to be done.
- **The importance of business experience for Commercial lawyers.** In my opinion, when a Commercial lawyer spends his whole life in a law firm, without taking the time to reflect on how legal decisions interact with business decisions, they lack a vital piece of the puzzle when it comes to later understanding clients and being able to offer them solutions adapted to their reality. Something I learned when working with my last partner, Javier Bau (who had spent time as an in-house lawyer), is that the response to a client is never only legal and that, in order to



MANY OF THE ALTERNATIVES THAT WERE CONSIDERED FOR IMPLEMENTATION HAVE UNDOUBTEDLY BEEN VERY CUTTING EDGE, ESPECIALLY ON A TECHNICAL LEVEL, AND HAVE ENRICHED THE EXPERIENCE OF THOSE INVOLVED



be really useful, an advisor has to be willing to understand the business and organisation. For me, this is vital, and I can't think of a better place to develop it than at DIA.

- **Having an impact.** DIA is a huge distribution group, with presence in four countries (Spain, Argentina, Brazil and Portugal). Hundreds of thousands of families depend on its viability, including customers, workers, suppliers, etc. Contributing, as a manager, to its success, strengthening and growth will, without a doubt, be one of the most enriching decisions and the one I will be most proud of in my professional career.

From the outside, it seems clear that Grupo DIA is undergoing an important modernisation process. Is this the case? And, if so, What role does the Legal department play in this path towards innovation?

The assumption is correct. We are reviewing, improving, and where possible, adding and renewing everything necessary for DIA to have its rightful place and priority in the sector. The work is immense and very demanding, but the group is very clear that the key to success is to attract the best talent in the market. We have hired, and currently have, the professionals who we understand are the best available for each specific position. You could say that we have the 'Green Berets' of the food retail world, so the success of the project, I have no doubt, is just a matter of time. The Legal department in this project is undoubtedly a cornerstone. Few far-reaching group decisions are made without legal supervision. In this sense, we have implemented a very agile legal structure, arranged as an international law firm (with its different heads and specialists in each country), which is giving us

good results. It is, in fact, a delegation cascade that relies heavily on the autonomy and trust that we have in the countries and their teams.

When it comes to using external lawyers, are you loyal to the same firms, or do you choose depending on their speciality? Have you ever used or thought about using the so-called Alternative Legal Services Providers (ALSP)?

It sounds a little bad to say it if we refer to other issues, but in this aspect, I believe that infidelity, understood as the possibility of having several

ABOUT GRUPO DIA

Grupo Dia 

Grupo DIA is a multinational group with presence in four countries (Spain, Argentina, Brazil and Portugal). Its annual net sales at the end of the last financial year were around €6.8 billion. DIA has some 6,200 points of sale distributed throughout its international network, between its own and other franchisees, employing more than 39,000 people worldwide.

The Legal department of the DIA Group is headed by Sagrario Fernández Barbé, as general counsel, and by Patricio Morenés Hoyos, as deputy general counsel. They have a large multidisciplinary team, divided between corporate and local. Their organisation is based on a decentralised model that relies, to a certain extent, on delegation and trust in each of the Legal directors of each country and their respective teams. 

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WHEN A
COMMERCIAL
LAWYER
SPENDS HIS
WHOLE LIFE
IN A LAW FIRM
WITHOUT
TAKING THE
TIME TO
REFLECT ON
HOW LEGAL
DECISIONS
INTERACT WITH
BUSINESS
DECISIONS, HE
LACKS A VITAL
PIECE OF THE
PUZZLE

”

options to choose from in each process requiring outsourcing, is the best thing that can happen to the client and to law firms in general (to perhaps the detriment of another law firm). Competition energises and improves the legal sector in general.

The criteria we use is simple and applies to both group and country level. For each specific issue to be outsourced, whenever possible and reasonable, we ask three or four firms that we consider, individually, to be the best ones to take on the task. The final choice depends on what suits our needs. The option that offers the lowest fees does not necessarily win. In the DIA Group, we are very clear that we are not willing to penalise quality and legal security to get a better price. With regard to ALSs, I believe that the Spanish legal market is not yet mature enough to buy en masse the alternative solutions offered to traditional firms. That said, I am sure they have their niche, and we are open to innovative solutions, provided they meet our quality and efficiency criteria. For us, the important thing is not so much with whom, but how (i.e. that cost does not come at the expense of quality of service). We have recently had meetings with some of these ALSs, and I have no doubt that we will take them into account on future opportunities.

What specific knowledge and skills does an in-house food retail lawyer need? What role does the commercial attitude or skills play in this sector?

The food retail sector is a very special sector, with a great regulatory impact in all its aspects. I would differentiate, if I may, in line with the structure of our team, two profiles. The local profile, such as the head of each country and his team (in this case, with respect to Spain, Argentina, Brazil and Portugal) and the corporate profile, such as the general or deputy general counsel and his/her team. In my view, the former contribute their knowledge of the

Expert Opinion


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IS THE FUTURE SUSTAINABLE? THE OPINION FROM PLMJ AND TAP - *In collaboration with PLMJ*



LET'S TALK ABOUT FINTECH: THE FUTURE IS HERE! - *In collaboration with VdA*



A PERFECT DEAL DURING THE PANDEMIC - THE SALE OF BRISA - *In collaboration with VdA*



PATRICIO MORENÉS HOYOS

“

CONTRIBUTING AS A MANAGER TO ITS SUCCESS,
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I WILL BE MOST PROUD OF IN MY PROFESSIONAL CAREER

”

regulation and local circumstances. The latter, in addition to direct knowledge of corporate operations, must have a global and strategic vision, as well as greater knowledge of business or people management. The truth is that, in practice, from a corporate point of view, we are very much aware that we must not lose sight of the fieldwork in each country and, therefore, in addition to assuming the management issues of the legal group in general, when a country issue is important in our eyes, we collaborate with that country and get involved and coordinate with the necessary resources.

As far as attitude or business skills are concerned, in my opinion, there is no perfect solution. This will vary depending on many factors (type of position, personality, particular time, etc.). In my particular case, because of the type of position I have and the public exposure it entails, it requires, I understand, a fairly developed disposition with a particular commercial skillset. However, what is really important is knowing how to lead. It's not just a matter of speaking or directing; you have to know how to transmit and ensure that the message reaches your audience clearly.

What are your expectations for the sector in general, and for the DIA Group in particular, in 2021?

I would say that for our sector (food retail), as in fact, for almost all sectors, the expectations for this year will be determined by the evolution of the pandemic. I would love to tell you something else, but unfortunately, and for now, this sad situation marks our agendas.

As for our expectations, these will focus, above all, on the execution of the commercial and business bases established throughout 2020 and which seek to materialise our purpose: “*Cada DIA más cerca*” (Closer every day). 

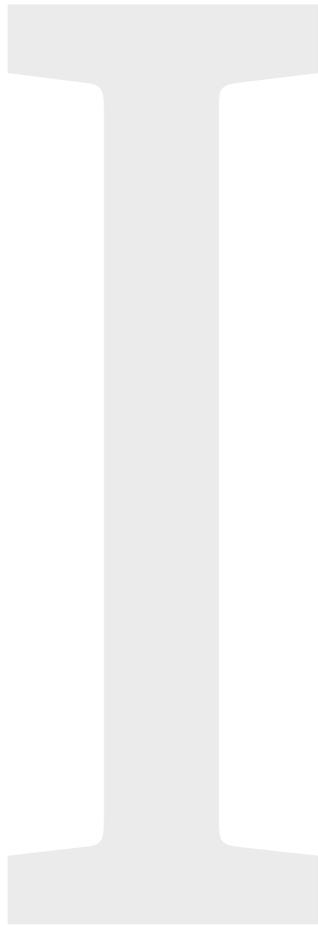
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Simon Zinger, group general counsel at Dentsu, tells Iberian Lawyer his idea of an Oath - similar to the one of Hippocrates for doctors - for all corporate lawyers, to elevate themselves to guides for positive change inside and outside their organisations.

by alessio foderi

AN (INTERNATIONAL) OATH FOR GENERAL COUNSEL

SIMON ZINGER



In moments of great uncertainty, unity is needed. But, also, it is precisely in these moments that new ideas to achieve it may arrive. As happened to Simon Zinger, group general counsel at Dentsu, who last summer developed the idea of a *General Counsel Oath*. A text that aims to overcome borders and unite the in-house community with common goals. In a very short time, the initiative has been endorsed by international organisations in the sector. Zinger tells Iberian lawyer about the genesis of the idea ...

What is the *General Counsel Oath*?

The Oath reflects a commitment to be taken by leaders of in-house legal teams. I refer to such leaders generically as general counsel, but other lawyers with titles such as legal director or chief legal officer are also in scope. The Oath reflects and offers specific behaviours for such individuals as leaders of teams and as people who hold positions of influence in their organisations. The concept is similar to the Hippocratic Oath taken by doctors.

How did the idea arise?

This idea reflects work that I have been doing with my own team to encourage personal behaviours that can create positive change inside our organisations, and which could then lead to positive social impact more widely. I also created the Oath as an instrument to help and guide the legal profession at a point in time (summer of 2020) where I was seeing so much change and uncertainty across our societies.

Do you think there is a need for this? Why?

Yes, I think that there is a need for something that supports collective action on the part of leaders to create positive change for our teams and our organisations. It seems to me that many of us (and our companies) are doing positive things, but on an individual and disjointed manner. The Oath helps provide a common approach, with the hope that as a collective (as opposed to separate) force we achieve quicker and more impactful results.

THE AMBITION IS THAT THESE BEHAVIOURS CAN START WITH THE GENERAL COUNSEL, BUT THEN SPREAD ACROSS THE LEGAL PROFESSION AND THEIR ORGANISATIONS.

How can the *General Counsel Oath* foster diversity and inclusion?

The Oath requires a commitment towards treating our teams in a diverse and inclusive manner, extending such thinking to how we recruit and promote lawyers, providing training, and for the general counsel to act as a role model to others in their organisation in such efforts.

What does the Oath say about social impact & pro bono?

Recognising the importance of supporting charities and local communities, and the positive

impact it has on the motivation and satisfaction of a legal team, the Oath asks general counsel to participate in social impact and pro bono activities with their teams and to ensure that their team members are given sufficient time for such projects.

And what about prejudice and harassment?

The Oath asks the general counsel to be aware of such behaviour, create an understanding that it would not be tolerated, and to support training to avoid it.

What are the main goals in terms of team building and communication in legal departments?

The Oath provides the general counsel the opportunity to offer their team a path to behaviours that reinforce positive human and professional values. It could also help reinforce company culture and help the legal team support

I FEEL THAT THIS CAN BE
A TRULY GLOBAL MOVEMENT
FOR POSITIVE CHANGE, IN A WAY
THAT THE LEGAL PROFESSION
HAS NOT ACTED BEFORE.

wider organisational values. As such, it can be a strong model for team building.

So, is the Oath trying to fill in the gap of coordinated and collective behaviours?

Yes, exactly – but together with a suggestion for specific areas where positive change can make a big difference. The ambition is that these behaviours can start with the general counsel, but then spread across the legal profession and their organisations.

How can the in-house community contribute to the Oath at an international level?

I hope to reach general counsel across the world with the Oath, so that they have the opportunity to consider whether the Oath is something that they

ABOUT SIMON ZINGER

Simon Zinger is group general counsel at Dentsu, where he currently leads a global team of 250 Legal and Compliance specialists. He is a leader, executive advisor and supporter of social justice initiatives, with global Legal and Compliance experience across the media, telecom, and industrial services industries. With expertise across a range of specialisms such as M&A, Corporate Governance, Commercial Transactions, Intellectual Property, Compliance, Data Protection, and Litigation, Simon has advised US, French, UK and Japanese publicly-listed companies. He is qualified to practice law in the UK and the USA. His latest initiative is entitled the General Counsel Oath. 

I WILL ABIDE BY ALL OF THE
STATED RULES, CODES
AND GUIDANCE OF PROFESSIONAL
RESPONSIBILITY AND ETHICAL
BEHAVIOUR THAT APPLY
TO ME BY VIRTUE OF MY
PROFESSIONAL MEMBERSHIP
AND WILL REFRESH MY
KNOWLEDGE AND UNDERSTANDING
OF THESE REQUIREMENTS ON
A REGULAR BASIS (OATH)

can personally support, and then inform their teams, legal suppliers and organisations about.

There is already a text. Can this be implemented?

What you feel is still missing?

I think that the core principle is for the Oath to be implemented on a personal level. Once that is done, the impact will depend largely on how the individual chooses to apply it. For some people, it can be a personal guide to areas of improvement or their own future efforts. Other people can choose to use it more widely and incorporate it into team building and other organisational efforts. I think that the Oath provides a strong platform for general counsel to further expand their efforts and influence inside organisations. Perhaps, I am missing more support from other legal or in-house organisations...

I RECOGNISE THAT MY SKILLS
AND LEADERSHIP POSITION
ARE PRIVILEGES AND I WILL
USE THEM TO ADVANCE
THE WELL-BEING OF THE
PEOPLE, ORGANISATIONS
AND COMMUNITIES WITH
WHOM I INTERACT (OATH)

Why? Who is supporting the Oath at the moment?

The Oath has been supported by individual general counsel, several law firms and legal recruiters. I am also grateful for the support and endorsement received from several large organisations that represent and work with company lawyers such as: Association of Corporate Counsel, Minority Corporate Counsel Association, and the Thomson Reuters Foundation. In particular, ACC not only endorse the Oath but to also encourage all of their global chapters and networks to spread the word about it – meaning to all 46,000+ in-house counsel members.



THE DOCUMENT

The text of the Oath is available on the dedicated website: generalcounseloath.com. The document is available in English and counts six paragraphs: Professional Responsibility & Ethics, Leadership, Diversity & Inclusion, Social Impact & Pro Bono, Internal Clients, External Parties and Personal Behavior. It is also specified that everyone can adopt it: regardless of the country you live in or the type of organisation you work for, take the Oath and share it with your teams, colleagues and professional acquaintances. 

How has been the answer of the community instead?

I am grateful for many positive reactions from individual general counsel who have declared their personal commitment to the Oath on LinkedIn. I feel that this can be a truly global movement for positive change, in a way that the legal profession has not acted before.

What are you thinking as the next step?

I will continue promoting and raising awareness of the Oath. My goal is to reach as many general counsel as possible, and obviously for those people to consider what it says and to decide to use it. 



IGNACIO APARICIO

KEYS AND SECTORS OF PRIVATE EQUITY IN 2021

Bearing in mind the economic crisis unleashed by the pandemic during 2020, at Iberian Lawyer we wanted to know what the forecasts are for 2021 at the Private Equity level; continuity or upturn and diversification of investment? What changes or trends brought about by the

pandemic are here to stay and why? And, on the contrary, which will disappear? We talked with Ignacio Aparicio, partner and head of Andersen's Corporate & M&A department in Spain, about these and other questions.

by desiré vidal



EXPECTATIONS AND NEWS

“We hope that 2021 will be a year in which there is a gradual return to normality, where we can achieve a recovery, with economic growth in the world and in Europe, according to some sources, close to 5%,” **Ignacio Aparicio** begins explaining. “It could be a year, especially in the first part, as we are seeing, with quite a lot of volatility, where news such as possible new confinements, restrictions or concerns with vaccines and their effects, could cause some instability in the markets. We believe that it will be a period where investments in quality and growing companies will prevail. We also foresee a continued preference for various sectors where investment has been widespread in recent months. Investment in the technology sector will continue to rise, consolidating the trend

of recent years and, among other reasons, because of its fundamental role during the pandemic.” Another sector that has come to stay is the one related to the environmental transition, Aparicio confirms. “Another sector that has come to stay is that related to environmental transition, a consequence of the global commitment to sustainability. In our opinion, this will undoubtedly be one of the star sectors,” says Aparicio. “The healthcare and life science sectors will of course also be the object of investments with upward valuations, mainly in everything related to innovative bets.” As the **Andersen** Corporate and M&A partner explains, the pandemic situation “has changed habits in all aspects of life, in the way of contracting, relating, protecting oneself and enjoying leisure. Situations of such change favour innovative solutions, which will attract investment. Finally, another of the novelties we perceive the pandemic has brought is a change in the trend of the investment ticket, which in many cases has lowered its minimum amount, favouring smaller operations and therefore greater risk diversification. In conclusion, diversification of

investments in niche sectors and more and more concentration processes and business reorganisation for the second half of 2021.”

MILESTONES AND FORECASTS

Despite the fact that, as Ignacio Aparicio says, “For the first quarter of 2021, we predict the same trend as at the end of 2020,” he detects “a greater investment spirit, both because of the expectations brought about by collective vaccination and immunisation, and because the market is adaptive and has learned to function in the new circumstances of the pandemic. These circumstances have, to a certain extent, led to a relativisation of the fear of change and the unexpected, which has helped not to discourage, as a matter of principle, the spirit of investment. In addition, there is investment capacity, money in the market and, as in any crisis situation, many opportunities. Looking ahead to the second half of the year, he adds, “We anticipate a greater number of restructuring and reorganisations as a result of the deferred impact that the end

ANOTHER SECTOR THAT HAS COME TO STAY IS THAT RELATED TO THE ENVIRONMENTAL TRANSITION, A CONSEQUENCE OF THE GLOBAL COMMITMENT TO SUSTAINABILITY. IN OUR OPINION, THIS WILL UNDOUBTEDLY BE ONE OF THE STAR SECTORS

of ERTes (temporary layoffs), the expiry of ICOs (Official Credit Institution financing) and/or the application of new aid from, among others, soft financing or the application of Next Generation EU funds may have on the achievement of the objectives that the applicants themselves have set out in their projects. To adequately promote all the above, it is essential that the Government provides a framework of security and stability which favours an attractive investment climate, avoiding excessive regulation and short-term tax and legal policies.”

FLEXIBILITY AND ADAPTATION

Last year's calendar affected all sectors almost equally, including Private Equity. “2020 began with

moderate growth due to end-of-cycle forecasts, a pace that stopped dramatically in March due to the declaration of the state of alarm and confinement. There was a cautious rebound during the summer and a further slowdown at the end of the year due to new restrictions,” summarises Aparicio.

However, the very nature of investment funds gives them certain special features or advanced properties, so to speak, to cope with change. As Aparicio says: “Investment funds have always been aware of the importance of losing their fear of change, knowing how to adapt to cyclical crises and stay ahead of the curve. This situation is certainly not an exception and we are seeing how, in many cases, private capital is winning the battle for financing from banks or the stock market, knowing how to interpret the best options for mobilising

money.” It is also by this very nature that the capacity to react is greater in this sector; “during the course of this pandemic, we consider that the PE sector has known how to react quickly by adapting its way of investing to the many changes it has brought about. This sector is now focused, as we indicated, on investing in growth, innovation and growth sectors.”

Ignacio Aparicio completes his argument by anticipating that “without a doubt, ESG criteria will be of great importance in 2021 when it comes to investment decisions. In short, the Private Equity sector will know how to find investment opportunities, transforming itself to adapt to the new post-COVID panorama and becoming the great ally of the business fabric, as it has always done.”

ABOUT IGNACIO APARICIO



Ignacio Aparicio is a partner at Andersen and head of the firm's Corporate and M&A department in Spain, as well as coordinator of the Corporate, M&A and Banking & Finance Service Line of Andersen in Europe and head of the firm's Cuban Desk.

He has more than 20 years of experience in which he has specialised in Corporate and M&A, participating in a significant number of company review processes and cross-border transactions in different countries in

Latin America, Europe, the USA, Asia and the Middle East. In the area of Alternative Dispute Resolution, he has experience in many judicial and arbitration processes, both national and international, and is a Civil and Commercial mediator.

Ignacio Aparicio teaches at various universities and business schools and is listed in several international legal directories. 

ESG CRITERIA, ALSO IN PRIVATE EQUITY

We asked Ignacio Aparicio to elaborate on this in order to find out what investment formulas we could find with these sustainable criteria he was talking about. “Mainly due to the European Green Deal and the criteria that the EU NextGen funds (focused on promoting, among others, everything related to sustainability), it is foreseeable that one of the sectors that will lead investments in 2021 will be renewable energies and environmental transition (water management, waste management, clean energies, biotechnology and the new mobility sector). It is worth

THE MARKET IS ADAPTIVE AND HAS LEARNED TO FUNCTION IN THE NEW CIRCUMSTANCES OF A PANDEMIC. THESE CIRCUMSTANCES HAVE TO SOME EXTENT LED TO A RELATIVISATION OF THE FEAR OF CHANGE AND THE UNEXPECTED, WHICH HAS HELPED NOT TO DISCOURAGE, AS A MATTER OF PRINCIPLE, THE SPIRIT OF INVESTMENT. IN ADDITION, THERE IS INVESTMENT CAPACITY, MONEY IN THE MARKET AND, AS IN ANY CRISIS SITUATION, MANY OPPORTUNITIES

noting that this is a sector that, due to the fact that in many cases these are businesses that have just begun and have not yet been consolidated in the market, may have investments that involve a certain amount of risk, but where the innovative component is very present, which as we have indicated before, will boost the investment spirit," he says.

Other sectors to watch out for are those related to the UN calendar of sustainable objectives, such as data protection, spatial computing and digital assets such as the Blockchain.

In addition, Aparicio continues, "with regard to the aforementioned technology sector, due to the needs caused by the COVID crisis and changes in consumer habits, the funds are going to continue to be very interested in continuing to invest in any business, traditional or otherwise, where this component is very present. Companies are strengthening their technological capacities to

create investment opportunities. Such is the boom in this sector that, for example, banks are in the process of creating subsidiaries which specialise, among other things, in analysing technology companies and providing them with financing. Technology consultancies will also have a good year."

In line with this, Aparicio anticipates that "another sector that will have an important presence in this year's investments is the industrial sector, especially everything related to process automation and robotics." And, of course, without forgetting the health sector which, "strengthened in 2020, will continue to experience rising values in 2021."

As for sectors that have historically been very solid in our country such as tourism, real estate or leisure, to mention just a few, "they have stopped leading investments due to the consequences caused by the pandemic such as limitations on travel, continuous perimeter closures, capacity restrictions

or opening of establishments." However, Ignacio Aparicio is optimistic: "We foresee that in the long term, as immunisation advances, starting in the second half of the year, these sectors will be able to progressively recover their strength, without counting on current investments of funds that pursue opportunities in companies in crisis, offering to gain position for when the situation in these sectors becomes normal."

FOREIGN INVESTMENT

How has the health crisis affected foreign investment in Spain? Aparicio responds that "we cannot forget that Spain was at the forefront of restrictions on foreign investment due to the breadth of sectors it covered with its regulation, unlike other countries that were much more selective in establishing limitations only on sensitive sectors such as health or information. Royal Decree-Law 8/2020 of 17 March suspended the regime of liberalisation of certain foreign direct investments in Spain, where a high component of government discretion was established, since practically all businesses handle personal data. The extent to which these restrictions may have limited investment sentiment at the time cannot be reliably measured." Despite the fact that, he states, "foreign investment fell by more than 80 per cent in terms of investment volume due to the absence of mega-investment rounds," Aparicio is positive, despite the restrictions and uncertainty of this period,



IGNACIO APARICIO

due to the reactivation of investments in startups in our country, “as during the last quarter of 2020 it was observed that the number of operations in investments by Venture Capital funds grew by 312.9 per cent. In total, according to some sources, some 154 Private Equity and 453 Venture Capital operations were recorded.”

CUBA, INVESTMENT DESTINATION?

In addition to being the managing partner of Andersen’s Corporate and M&A department in Spain, Ignacio Aparicio heads the firm’s Cuban Desk. So we took advantage of the opportunity and asked him about the situation there at the

ABOUT ANDERSEN IN SPAIN

Andersen is an international firm providing Legal and Tax services in over 200 locations in 100 countries worldwide through Andersen Global. In Spain it has offices in Madrid, Barcelona, Valencia and Seville, from where it advises its clients, accompanying them in their national and international projects. The more than 250 professionals and 40 partners that make up the team in Spain offer services in all law practices, providing a high degree of specialisation and experience that has led to a distinction in important international directories.

4

Offices

195

Lawyers

40

Members

€25 million

Turnover 2019

Main areas of practice:

- Corporate/M&A
- Tax
- Litigation
- Restructuring and Insolvency
- Banking and Finance
- Arbitration
- Labour
- Public and Regulatory
- Urban Planning
- Privacy, IT & Digital Business

Main sectorial areas:

- Real Estate
- Culture
- Agri-food
- Energy
- Transport and logistics
- Family business

THERE IS NO DOUBT THAT THE ESG CRITERIA WILL BE OF GREAT IMPORTANCE IN 2021 WHEN IT COMES TO INVESTMENT DECISIONS. IN SHORT, THE PRIVATE EQUITY SECTOR WILL KNOW HOW TO FIND INVESTMENT OPPORTUNITIES, TRANSFORMING ITSELF TO ADAPT TO THE NEW POST-COVID PANORAMA AND BECOMING THE GREAT ALLY OF THE BUSINESS FABRIC, AS IT HAS ALWAYS DONE

investment level. We offer his analysis below.

“2020 has been a very hard year for the world economy and also for Cuba. In addition to the effects of the pandemic and a low level of tourism, there is a lack of liquidity in foreign currency, a widespread shortage of supplies, the problem of delayed payments and the strangulation it has suffered as a result of the US Government’s continuous measures - among others, cuts in the sending of remittances from the USA, the limitations on travel by Americans, the disappearance of American flights and cruises to the island, as well as the effect that the activation of Title III of Helms Burton (the possibility of suing in the US entities that ‘traffic’ in assets confiscated by the Revolution) has generated in the investment climate.

As for relations with the US, we will have to wait for developments and new measures from Biden, who has anticipated that he will return to Obama’s policies and will probably lift many of the sanctions imposed by Donald Trump who, before leaving the White House, again included

Cuba among the countries that sponsor terrorism this January, a list from which Obama removed it in 2015, which will make it even more difficult for the country to gain access to international financing.

The official figures for 2020 are not bad compared to other years. According to the Cuban Ministry of Foreign Trade and Investment, in 2020 the country obtained foreign investment of over \$2 billion through 30 businesses authorised on the island (an amount that corresponds to the average of the last three years according to official figures).

But Cuba faces 2021 full of uncertainties. In addition to the 2020 effect and COVID, it remains to be seen how the monetary reunification that is underway will develop, which will undoubtedly have a major social impact, generating price increases and inflation.

In addition, necessary reforms need to be undertaken to boost the private and cooperative sector and to encourage foreign investment. The replacement of Raúl Castro as leader of the Communist Party as his mandate expires in 2021 is yet

another element in the new scenario the island will find itself in.

If, among others, due to the particularities of its economy and legal regime for foreign investment, Cuba is not a recurrent market for Private Equity, it nevertheless offers many opportunities for medium or long term development in investments linked to production. The Government’s priority is that investment projects should contribute to increasing exports. Sectors such as infrastructure, renewable energies and environmental transition (water management, waste management, biotechnology or clean energies) are some of the sectors that the Cuban Government considers strategic and promotes in its portfolio of opportunities that it publishes periodically and in which it may be interesting to position itself.

The government is seeking to concentrate investment in these strategic sectors, adding that of food production, since considerable sums of foreign currency are spent every year on the purchase of supplies that are insufficient and do not correspond to the population’s demand. In short, another objective is import substitution; domestic shortages also encourage investment in these basic and/or traditional sectors, such as the agri-food industry, but also logistics, technology and industrial equipment, among others. This is without forgetting tourism, recreation and the hotel industry, an industry which is currently in disarray, but which still has great potential for development and growth.” 

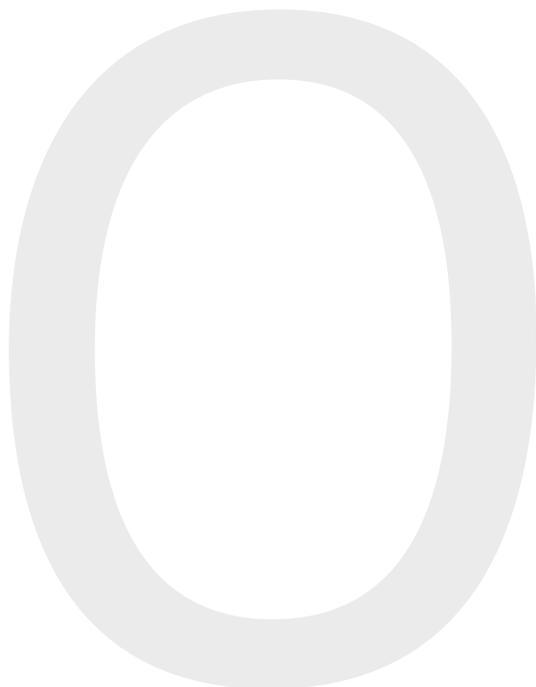
SETTING GLOBAL STANDARDS

Almost a decade ago, Lorenzo Hernández Allones began a new adventure by taking charge of ONTIER's expansion in Mexico. Throughout these ten years, ONTIER has been establishing itself in the American continent, becoming one of the Spanish firms with the most significant presence in Latin America and one of the countries' references where it opened an office. And to a large extent, the Mexico office has served as an icebreaker in this expansion process. Hernández Allones' merits have been recognised with his appointment as a partner, and, even more, in his new position as director of Business Development for Latin America and Board member of ONTIER Global. We talked to him about his work as a partner abroad.

by antonio jiménez

LORENZO HERNÁNDEZ ALLONES





ONTIER is a firm specialised in Business Law in Spain and now also in other parts of the world. What did it mean to you, for your career, to join ONTIER and later become the “country manager” in Mexico?

My professional career is quite linear. I am one of the “rara avis” of this profession that has never changed law firm. I finished my degree and did a Master’s degree in Legal Consultancy at the Instituto de Empresa, where Bernardo Gutiérrez de la Roza (ONTIER’s CEO) was my teacher in two courses. From the first day, I loved his teaching and personality and how he transmitted enthusiasm and clarity. I had an interview with some of the firm’s partners, so when they asked me to join, I did not hesitate.

I worked hard in the Commercial and Banking departments, and when the firm decided to go international and open its first office outside Spain, I applied internally for the position. I

had several meetings with the partners responsible for the process, and in mid-2011 they informed me that I had been selected as country manager for Mexico.

Despite the initial uncertainty about starting a new life away from Spain in a new role within the firm, I was very excited about this new adventure. I overcame the typical doubts that a 28-year-old in such a situation can have. I was looking forward to the challenge and learning a lot. Landing in Mexico was a great moment, a new culture, new colleagues, different legislation, different problems to solve for clients... It was probably one of the stages I enjoyed most professionally, very much supported by the firm’s partners, creating the foundations of what today is ONTIER Mexico.

This position has given me a lot, personally and professionally. It has enabled me to accelerate the usual “timing” of a professional career within the

firm and deepen management and direction tasks from a very young age. It has also encouraged me to develop essential qualities for a partner in an international firm, such as managing work teams, carrying out business development, focusing on meeting objectives and supporting the implementation of a growth strategy for the Mexican office, instilling the culture and philosophy of ONTIER in local colleagues.

Had you ever been to Mexico before? Do you remember your first impressions of the country when you arrived there eight years ago? Do you feel a little Mexican now, almost a decade later?

I had never been to Mexico before. I flew there for the first time by the end of 2011, with ONTIER’s international president at that time. I was introduced to the local partners and the firm’s clients and friends in Mexico. A few weeks later, I was back with my bags to start the new adventure.

I remember these were learning moments. We had a very well worked out business plan and a very clear idea on how to implement it, but, like everything in life, being the first time, there was a trial and error part. At that time, I had the same impression I have now of the country: it is full of opportunities. Mexico is a wonderful country that receives Spanish investment very well but requires an adaptation period. You have to be patient and understand very well the Mexican business and professional culture. Knowing how to adapt while maintaining the essence of ONTIER has

probably been one of the biggest challenges during the first few months.

After almost a decade in Mexico, I feel that it is my second home, I am living a beautiful stage personally and professionally, and I am fortunate and grateful. My two children have been born in Mexico, I have many friends there, and for my whole life I will be linked to Mexico

You started to stand out in ONTIER Madrid office within the Commercial department. Still, the Mexico City office main areas seem to be Energy, Corporate and M&A, Finance and Administrative Law, and very often all these areas related to large public tenders. Has this required you to adapt to this new context?

Absolutely, this process has been a constant adaptation. It was not easy to get a professional certificate as a lawyer in Mexico, but I have had it for several years now, and I can say that I am one of the few lawyers who can practice both in Spain and Mexico. Corporate and Contract Law is probably the area where there are more similarities between Spanish and Mexican Law, so I have always felt comfortable in that field. Still, I have been specialising in Energy Law little by little, which has changed a lot in recent years in Mexico.

ONTIER has a lot of experience in Energy matters, and this has been transferred to all our offices globally. We were fortunate that one of our first clients in Mexico asked us to help him with a wind project pipeline. He had good

rental land and fabulous wind measurements. I always tell half as a joke that I had to take off my lawyer's tie and put on an engineer's helmet because I took on a similar role to the company's director in Mexico. The firm advised on all the legal aspects (Real Estate, Regulatory, Permits, Commercial, M&A...). It allowed me to have access and frequent contact with other companies that were betting on renewable projects and Mexican institutions responsible for the energy sector. Besides, we coordinated the technical, environmental and land management part with our client's team. That experience helped us to deepen quickly on the legal side of a renewable project in Mexico. Also, understanding from the inside and first-hand a sector that was still being born in the country.

Subsequently, energy reform arrived, and everything changed. That opened the sector, and all the private companies worldwide set their eyes, and their investments in many cases, in Mexico. It was a great moment because we had global experience in the sector, local experience with different international clients and excellent credentials, which allowed us to work with great clients and projects in a more investment-friendly scenario.

What would you highlight as the great professional milestones of these eight years of stay in Mexican lands?

From a personal point of view, I would highlight when I was appointed partner and director of Business Development for

ABOUT LORENZO HERNÁNDEZ ALLONES

Lorenzo Hernández Allones is ONTIER Mexico managing partner and country manager. He is licensed to practice Law in both Spain and Mexico. He studied a degree in Law specialising in Economics, and an MBA focused on Company Internationalisation at ICEX and an LLM at Instituto de Empresa. In 2012, after starting his professional career in the ONTIER Madrid office, he moved to the Mexico office. There he has participated actively in important transactions related to the energy sector and advised clients on the development, Due Diligence, M&A, PPAs and Project Finance of numerous renewable energy projects.

Lorenzo also serves as secretary of the Spanish Chamber of Commerce in Mexico and secretary of the same institution's Energy Commission. He also has extensive experience in cross-border transactions and works with large international groups investing in Mexico in different sectors such as engineering, construction, infrastructure, energy and finance. 

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Latin America, and recently being part of the Board of ONTIER Global. Focusing on Mexico, I would highlight that I have maintained a constant growth and consolidated the office first stage.

After several years in Mexico, in 2016, I was offered the possibility of becoming a firm partner. The process is significantly institutionalised, but I was the first to go through the new scheme. I had to prepare for several months with a tutor from the firm a 4-year business plan and present it to the whole Board. I thought it would be simpler, but I had to give the business plan a lot of thought and redo it many times. I also thought that defending it before the Board would not be complicated, but they put you in a tight spot despite being very well prepared. Everything went well, luckily. That same day I was appointed partner and director of Business Development for Latin America. It is a position that I enjoy very much. My duties are coordinating the different country managers, promoting cross-selling between offices and making trips to other countries to visit global clients and potential new ones. This position has helped me a lot to get to know well all the American offices of ONTIER, its partners and clients, and to be able to transmit what it means to be a genuinely global firm where the local partner is empowered. Still, the same philosophy is shared in all the offices. To give an example, I am sure that a company that is a client in our office in Peru, Spain, Chile and Mexico has the feeling of being advised by

MEXICO IS A GREAT COUNTRY THAT RECEIVES SPANISH INVESTMENT VERY WELL BUT REQUIRES A PERIOD OF ADAPTATION. YOU HAVE TO BE PATIENT AND UNDERSTAND VERY WELL THE MEXICAN BUSINESS AND PROFESSIONAL CULTURE



a single firm with the same standards and philosophy in all four offices.

This year, 2020, I was appointed to the Board of ONTIER Global. I am delighted to participate in this Board where the partners are the firm's driving force and where ONTIER's strategy is defined globally. It is a pleasure to learn from all of them and do my bit.

As for the Mexican office, I would like to highlight its evolution and its growing and consolidating within the competitive Mexican legal sector. Like everything in life, we have gone through better and more complicated times but always learning, adapting and with our sights set on what we want the Mexican office to become. We have always had a lot of support from ONTIER Global, which is very attentive to us and always helping us. Often, the Mexico office is used to testing new ideas or prototypes, and if it works out well, they go international among all our offices. I am proud to participate in this process. I also believe that we have found a very high-level team, very committed to the

firm, and excited to be part of a different and innovative project. Now we are working on keeping growing in Mexico and if everything goes well, next year will be very special for the office.

Throughout this fateful 2020, transactions in the region have fallen significantly, overall, throughout Latin America. According to TTR reports, the year will close with a drop of almost 50% in turnover. However, within this scenery, the country that seems to have faced this drop in the best way is Mexico, where, according to the same sources, the decline has barely exceeded 25%. How has ONTIER experienced this situation? Do you feel able to outline a reading of why Mexico has better resisted the onslaught of the crisis generated by the pandemic?

The year 2020 has been very complicated by the pandemic and the political situation throughout Latin America, and a gradual recovery is expected in the coming years to reach 2019 economic levels. At ONTIER, we already had a home office policy, so we have been fortunate to adapt quickly to this new situation. However, we never thought

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that it would extend so far in time, for example, our Mexican office has been doing all the work from home since March, and it seems that the situation will extend even further during 2021.

In Mexico, we are a very transactional office, with many M&A operations, and without a doubt, we have noticed that many of them have come to a standstill and others have advanced more slowly than we all had in mind. As a general rule, clients study these operations more carefully and include new variables in their analysis. Everything continues to move forward but more slowly, very few operations we advise from the office have been ultimately cancelled. On the other hand, we have also noticed that many clients understand this situation as an opportunity and are launching themselves to make purchases of companies and projects. They are long-term investors who consider the current political and economic situation to be momentary and are betting on one of the strongest countries in the region in the long term.

Another of the scenarios you have been privileged to witness, both because you live there and have access to the country's large companies and their operations, is the change of government. You lived there the last years of Peña Nieto and the first ones of López Obrador. Do you find a relevant influence between both administrations regarding the law practice when developing business negotiations? Has this change of scenario affected on the

ABOUT ONTIER MEXICO

Number of partners **1**

Number of non-partner lawyers **11**

Number of non-lawyer employees **5**

PRACTICE AREAS

- *Banking and Finance*
- *Energy*
- *Corporate - Mergers & Acquisitions*
- *Litigation*
- *Bankruptcy*
- *Administrative*
- *Labour*

macro or microeconomic effects?

The last one is the second change of government I have experienced in Mexico. As in almost all countries, a shift in government generates a small slowdown in the economy and then a growth that is boosted by the new economic policies and the development of large public tenders.

In my opinion, with the current government, probably influenced by the global economic situation, the change has been more noticeable than with the old administration. They are political parties with very different views on critical sectors of the economy and

have adopted very divergent, even opposing, policies in some of them.

All this affects the stability and security investors need when it comes to investing in the country. For example, this situation has been more noticeable with investments from the European Union than from the United States and Canada, probably because the T-MEC has provided them with that security that the entrepreneurs required. In this respect, it is expected that in the second half of next year the Free Trade Agreement between the European Union and Mexico will come into force, which I am sure will help

to boost investment from Europe.

The “country manager” figure is, at least terminologically speaking, a characteristic almost exclusive to the ONTIER organisation chart. How exactly does the work of a country manager differ from that of the more usual managing partner?

There is no difference in my personal case because I am the managing partner and country manager of the office, but in almost all the ONTIER offices both figures coexist.

A country manager is an essential person in our organisation. He or she acts as a link between ONTIER Global and the local office, impregnating ONTIER's philosophy in the local office while respecting and promoting the local culture. Besides, in a general way, the country manager serves as a reference and point of contact with the international client and has a very focused function in business development, generating opportunities for the local office and for the whole organisation.

The managing partner is responsible for the office, the country manager depends on him/her, and it is he/she who decides the strategy of the office in a way that is aligned with ONTIER Global. The managing partner has legal responsibility for managing the affairs, the administration of the work team, and directs the office's day-to-day running. Experience has shown that



A FEW DAYS AGO A SPANISH FRIEND WHO HAS LIVED IN MEXICO FOR MANY YEARS AND HAS JUST RETURNED TO SPAIN TOLD ME A PHRASE THAT HAS STAYED WITH ME: 'YOU ARRIVE IN MEXICO CRYING, AND YOU LEAVE IT CRYING TOO'



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Cristina Hunguana, Head of CIB Legal, *Standard Bank Mozambique*

Isabel Fernandes, Head of Legal, *Grupo Visabeira*

Isabel Lage, General Counsel, *Fidelidade*

Patricia Fonseca, Head of Legal, *Novo Banco*

Rita Samoreno Gomes, Co-head of the Dispute and Resolution practice area and member of the board, *PLMJ*

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good chemistry between the managing partner and the country manager is a winning combination for ONTIER offices.

In addition to ONTIER, you hold a decisive position within the Spanish Chamber of Commerce in Mexico. How do you combine these tasks?

One of my most enjoyable activities is working with the Spanish Chamber of Commerce in Mexico. The Chamber is over 130 years old and works perfectly, even in difficult times like the present. It has more than 700 members and represents the vast majority of Mexican companies with Spanish capital in Mexico. An excellent team works in the Chamber to support and give value to the member. It has three delegations, different sectoral committees, a very high-level Board of Directors, and an extraordinary general manager and president. The Chamber has undergone a spectacular process of institutionalisation and professionalisation in recent years.

I began collaborating with them several years ago by setting up the Energy Committee, of which I am also secretary. I firmly

ENERGY REFORM CAME, AND EVERYTHING CHANGED, THERE WAS AN OPENING OF THE SECTOR, AND ALL THE PRIVATE COMPANIES IN THE WORLD SET THEIR EYES AND THEIR INVESTMENTS IN MANY CASES ON MEXICO. IT WAS A GREAT MOMENT BECAUSE WE HAD GLOBAL EXPERIENCE IN THE SECTOR, LOCAL EXPERIENCE WITH DIFFERENT INTERNATIONAL CLIENTS AND OUTSTANDING CREDENTIALS

”

believe that it is one of the best representative institutions of private investment in Mexico's energy sector, very active, both in the committee and in the three sub-committees, where all the interested partners participate and contribute their experience. In this commission, we created a high-level training course focused on the Mexican electricity market, which has been running for several years and has been very well accepted. Since 2016, I have been the secretary of the Chamber's Board of Directors. All Board of Directors' members are managers of large companies, and I learn a lot from them. We are all clear about the Chamber's purpose and that it is a non-profit institution.

Also, its management and administration are carried out in a very professional and businesslike manner. I am very grateful to be part of this group and help in any way I can. At the Chamber, a lot of information is generated, including business, contacts, and opportunities. Companies contribute to the Chamber, and there is no competition, we all work for the Chamber's common good and its members in a disinterested way.

Do you intend to return to Spain or by now homesickness is not overcoming you?

A few days ago, a Spanish friend who has lived in Mexico for many years and has just returned to Spain told me a phrase that has stuck in my mind: "You arrive in Mexico crying, and you leave it crying too." I do not doubt that when the time comes for me to return to Spain, I will miss Mexico very much, its people, its culture, friends, the Chamber, the office, colleagues... What is clear to me is that professionally and personally, I will always be linked to Mexico. ■

AT ONTIER WE ALREADY HAD A HOME OFFICE POLICY, SO WE HAVE BEEN FORTUNATE TO ADAPT VERY QUICKLY TO THIS NEW SITUATION, BUT WE NEVER THOUGHT THAT IT WOULD BE SO EXTENDED IN TIME

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DANIEL GUTIÉRREZ GIVES US THE RECIPE FOR SUCCESS: “WORK MORE, WITH MORE DESIRE AND ENTHUSIASM, PURSUE YOUR DREAMS WITH ALL YOUR PASSION”

The lawyer we present today, Daniel Gutiérrez Bernardo, is, at 31 years old, a leader in his field. He feels completely at home in Corporate, M&A and IP matters, so much so that, for just over a year, he has been running his own firm, DG LAW Business Law & Intellectual Property, “DG LAW”, based in Oviedo (Asturias), which specialises in providing Commercial advice to start-ups focused on developing digital businesses. Life put him through a hard test that was the catalyst to become what he is today. As an example of its good work, during its first 14 months of operation, DG LAW has successfully led different deals that reached an amount of more than €10 million. At Iberian Lawyer, we wanted to find out more about this brilliant Asturian, who is firmly in love with his land and who has announced himself as the Top Legal in his sector.

by desiré vidal



DANIEL GUTIÉRREZ



Among some of these deals, Daniel tells us about the sale of a group of companies and properties of a family group, located in Guipúzcoa, for €5 million; the preparation of a €250K convertible note with an investment option of up to €1 million, signed by a powerful international investor (e-learning start-up); the preparation of a bridge convertible note - for an amount of €120K - to an imminent Series A to be held during 2021, (e-commerce start-up); the launch of the first car sharing operator without the need for a JV led by a manufacturer, far from the territorial area of Madrid and Barcelona, and its subsequent expansion with an investment of more than €4 million (e-mobility start-up); the sale of an audiovisual package to an international record company for €500K (e-learning start-up); a capital increase and subsequent incorporation of a JV together with a VC for an amount in excess of €3 million (start-up focused on the renewable energy sector); and other successes achieved from a Commercial, Transactional and Litigation point of view, both at the Corporate & M&A and IP levels.

Among its clients are BUENDIA TOURS, a company awarded in 2020 as the best Spanish tour company by Freetour.com, RAW Superdrink, the first isotonic drink with the EU BIO approval, BORN LIVING YOGA, which has revolutionised the *athleisure* industry in our country; Bioengas Renovables, the first national commitment to convert biogas into biomethane for energy use, and guppy, a comprehensive sustainable mobility service based on the operation of 100 per cent electric fleets through mobile applications in various autonomous communities. From his firm DG LAW, Daniel actively collaborates with IDEPA (Economic Development

Daniel, before starting your own firm over a year ago, you tried both working for a firm, in your case the IT&IP department of ECIJA, and being a company lawyer at Asturiana de Laminados SA – elZinc. What encouraged you to finally start your own firm?

Both experiences were very enriching, each in its own field, no doubt. At ECIJA, I had the opportunity to take my “first steps” in Business Law, within the IP&IT area, hand in hand with great professionals. In addition, I was able to work for top tier clients in the entertainment, advertising and information technology fields both nationally

“DG LAW MEANS THE EFFECTIVE CRYSTALLISATION OF A VERY CAREFUL PERSONAL PROJECT THAT HAS A CLEAR VOCATION OF NATURAL EXPANSION WITHIN THE PRINCIPALITY OF ASTURIAS. IT ENCOMPASSES MANY VALUES, BUT TWO ARE ITS KEY PILLARS: AVANT-GARDE AND EXCELLENCE”

Institute of the Principality of Asturias) through the CEEI (European Centre for Enterprise and Innovation) -public accelerator- and the University of Oviedo Law School, among other organisations and associations, participating in numerous conferences and preparing and leading both training and informative programmes for students and entrepreneurs. In addition, Daniel is a member of the International Technology Law Association and the International Bar Association since 2018.

and internationally. On the contrary, when I joined the legal department of elZinc I saw how a corporation “breathes” inside, what an international client needs, focused on the secondary sector, and not only that, but I witnessed and took an active part in its debut at the Alternative Stock Market, an operation that I remember very fondly (among other relevant ones).

Without falling into reductionism, I can assure you that three factors were essential when creating and promoting DG LAW: I have always been

characterised by being a professional with initiative and drive; the clear existence of a gap in the market for the provision of legal added value services in the Principality of Asturias (and in many other territories) with the guidance and approach that I advocate; and the passion for my work and the Law. Let's say that I represent (or at least that's how I roughly identify myself) on a professional level a mixture of 50%-30%-20% of Law, academia and business. DG LAW is a reflection of how I understand the practice: excellence and priority in client service supported by continuous and highest quality training in prestigious national and international institutions.

Let's go further back in time.

What led you to study Law?

Does it run in your family? Why did you choose this degree, and what motivated you to continue in the hardest times?

Despite the fact that only two members of my family completed higher university studies (my mother -a primary health doctor- and an uncle -criminology-), it was a logical continuation within the university offer that existed at that time in Asturias for those of us who preferred "to spend more time on texts than on numbers". I remember my last years studying the old Compulsory Secondary Education at Nuestra Señora del Pilar School (Pola de Lena) and High School at Auseva School (Oviedo) with great affection, in all areas. On the contrary, and despite the fact that during my degree I was able to make the most of university life, I would be lying to you if I tried to convey an *ex-post* view that was different from what

About Daniel Gutiérrez Bernardo

Daniel has a degree in Law from the Universidad de Oviedo, a Master's degree in Law Practice from the same institution, a Master's degree in Corporate Law from IE Law School (IE University), is currently taking PhD studies in Law at the Universidad of Oviedo and is a candidate of the International Master's degree in Law and Sports Management from the Instituto Superior de Derecho y Economía (ISDE).

Daniel is a graduate of the Professional Conservatory of Music of Oviedo, specialising in piano. As well as in Spain, he has enjoyed training stays in the USA and Ireland and regularly attends national and international conferences specialising in Intellectual Property Law, digital business and Commercial Law. 



I experienced. I simply did not find what I expected during the first years and my attachment to Law for three years could be considered as a step in the supposed "compulsory training of the average citizen who is reasonably well informed," back in the 2007-2008 academic year. So, I landed in the Universidad de Oviedo Law School without being aware of the great opportunity my parents had given me and the responsibility I had to assume in order to prepare my future. However, everything changed from the third year onwards. My father was diagnosed with cancer, and I began to focus almost all my

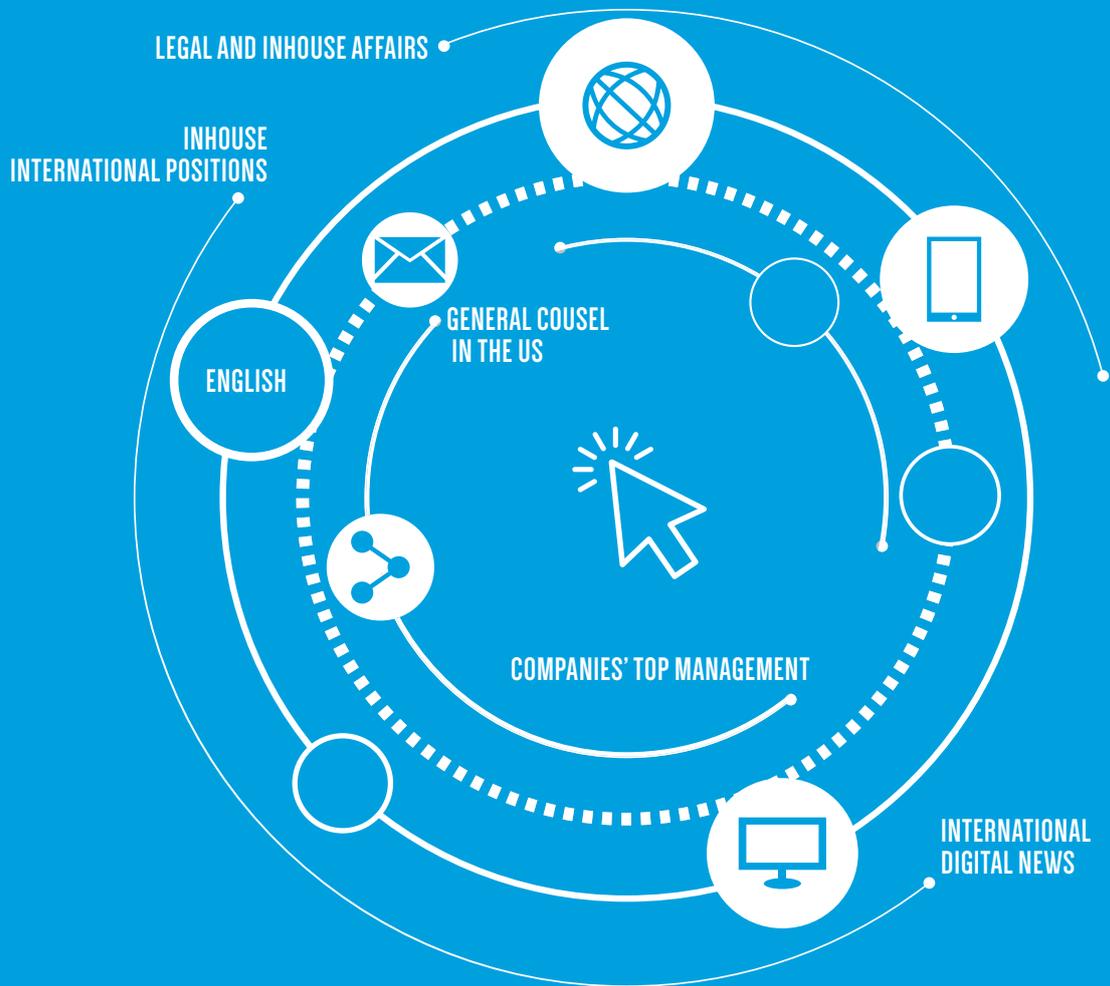
energy on not disappointing his expectations. In the beginning, the main reason or justification I found to make an effort in my studies was that. Later, thanks to the influence that many university teachers had on me, both personally and professionally, I managed to consolidate my initial training brilliantly.

Today, after five years, I know that such an event served as a catalyst for a personal and professional metamorphosis that culminated, in part, in December 2015, after having obtained the second-best grade of my class in the Master's Degree in Corporate Law (LL.M.) at IE Law School.



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The approach that you have given to your firm, the specialisation linking Business Law and Intellectual Property, also putting emphasis on advising start-ups, seems very novel. Did you detect this need in your region's market? What types of deals are the ones that most frequently come to your firm and which ones do you like the most and why?

DG LAW means the effective crystallisation of a very careful personal project that has a clear vocation of natural expansion within the Principality of Asturias. It encompasses many values, but two are its pillars: avant-garde and excellence. In my opinion, if we want

project with great ease (Tax, Administrative, Labour, etc.), but this is not critical. A company is a living being and relations in the market (concurrently, with consumers and with the Public Administrations) are full of potential contingencies. Knowing how to identify, prevent and avoid them is part of the value-added provided by DG LAW. I appreciate much more, from a legal point of view, a good preventive strategy that carefully analyses all the "What ifs" than a belligerent or dispute approach.

I firmly believe that my land, which I am absolutely in love with and which I learned to enjoy completely after my

projection towards the market of a set of experience and know-how demanded by the new business models based on the development and exploitation of technology or intellectual creation, indeed. There are sectors of activity in which it is not necessary to take full advantage of the pure technological leap offered, for example, by the functionalities of personal intelligent devices -see, e.g., the history of La Casa de Las Carcasas- but in others, conversely, it is considered essential.

On a personal level, I feel very comfortable working on the comprehensive growth of clients from a pure Corporate, M&A, and Transactional point of view -national and international-; as well as on the development of strategies for the protection of their entire inventions portfolio or creations that cannot be protected under the umbrella of the IP field in a broad sense (or of that applicable regulation based on the complementary relativity principle). If I had to enumerate any more, I would opt for operations in which: the interests of a start-up involved in the process of fundraising (equity or debt) to scale up its business are represented; positions where political or economic rights inherent to shareholders in a company are discussed; issues relating to Entertainment Law are negotiated or discussed; and, on the other hand, those in which the Intellectual Property moral or economic rights (in the strict sense) are defended.

How was the process of creating your firm, did you have any help (even if it was good advice) to get it up?

In fact, I think it took shape naturally and in parallel with my

"A COMPANY IS A LIVING BEING AND RELATIONS IN THE MARKET (CONCURRENTLY, WITH CONSUMERS AND WITH THE PUBLIC ADMINISTRATIONS) ARE FULL OF POTENTIAL CONTINGENCIES. KNOWING HOW TO IDENTIFY, PREVENT AND AVOID THEM IS PART OF THE VALUE-ADDED PROVIDED BY DG LAW. I APPRECIATE MUCH MORE, FROM A LEGAL POINT OF VIEW, A GOOD PREVENTIVE STRATEGY THAT CAREFULLY ANALYSES ALL THE 'WHAT IFS' THAN A BELLIGERENT OR DISPUTE APPROACH"

to lead the provision of the legal services in the start-up ecosystem, we must clearly master three fundamental Law areas: Corporate, M&A and IP (although it does not respond to an orthodox classification, I usually include Data Protection within the broad concept of IP as a whole -because I consider them to be an intangible asset-). Obviously, it is essential to handle the other legal disciplines or specialities that may affect the development of a business

return, needs a reference like DG LAW. At present, unless I am mistaken, there is no legal service proposal -located within the region- on the market like the one offered by my firm. In fact, at an international level, it is increasingly common to find legal professionals who are experts in IP & Corporate & M&A.

We are in the age of knowledge and information. There is no doubt about that. DG LAW is nothing more than the

growth as a professional year after year. If there is one thing I am clear about, it is that the recipe for success contains only one ingredient: working harder than your competitors, with more desire, more enthusiasm, more dreams and all your passion. This is the only way to transmit confidence to your clients and capture their attention in the market, given that there are many alternatives that already enjoy a well-known positioning and recognition by society as a whole.

My closest relatives have always told me since I was a child that constant and quality training would allow me to make a difference in the course of my development as a professional. And they were right.

As far as the implementation of DG LAW is concerned, I did not have the direct help of anyone to transfer to the *factum* what I already had in mind. However, indirectly, I consider many to be part of the project, as they constantly seeded in me part of their understanding of the Law profession and how to

practice it within the business environment.

In a very short time, you have managed to position yourself in a very niche market as we have mentioned before, handling very considerable stock transactions. Does one need to have a cool head to keep one's feet on the ground? Apart from a lot of courage and confidence in your abilities, what qualities do you think are the ones that help you continue to grow?

It is not a matter of being necessary. It is indispensable. Everyone has to be aware of where comes from, what phases one has gone through, at what point one is and in what direction one is going. Not losing perspective in each of the previous vital moments is basic to avoid making mistakes. One wrong move and "you're outta the game".

With DG LAW, the path is clear and very defined. Excellence is sought at all times as part of the corporate culture and "brand generation". There are lawful and legitimate business models

within the legal sector that allow huge economic returns to be obtained in the short term, as well as practices by matters that allow business projects to be solidified without any value-added through the systematisation of processes. With DG LAW, we aspire to grow in a controlled manner and within parameters that allow, at all times, maintaining the highest quality and immediacy in the provision of the services offered. As for the rest of my personal qualities that help me to keep growing, I emphasise again the need to complement my theoretical knowledge every day, together with the participation in other types of life experiences that are fundamental to achieve -framed perhaps in the much mentioned soft skills-, day after day, the objectives that I set with DG LAW and within the profession.

I would like to highlight two aspects that define me perfectly, among the other issues already mentioned. First, I enjoy what I do every day, and therefore I consider myself very lucky. I do not understand colleagues or people who -except for a vital necessity- spend most of their time on tasks with which they do not feel identified. On the other hand, I have developed a great versatility and work capacity during my career. I am capable of facing complex challenges with total guarantees. However, I have always been aware of my limitations and when I should "raise my hand" to ask for help.

What are your plans for the future? Do you envisage opening offices in other locations, perhaps through partnerships with other firms?

DG LAW is configured as a model-based, for the time being,

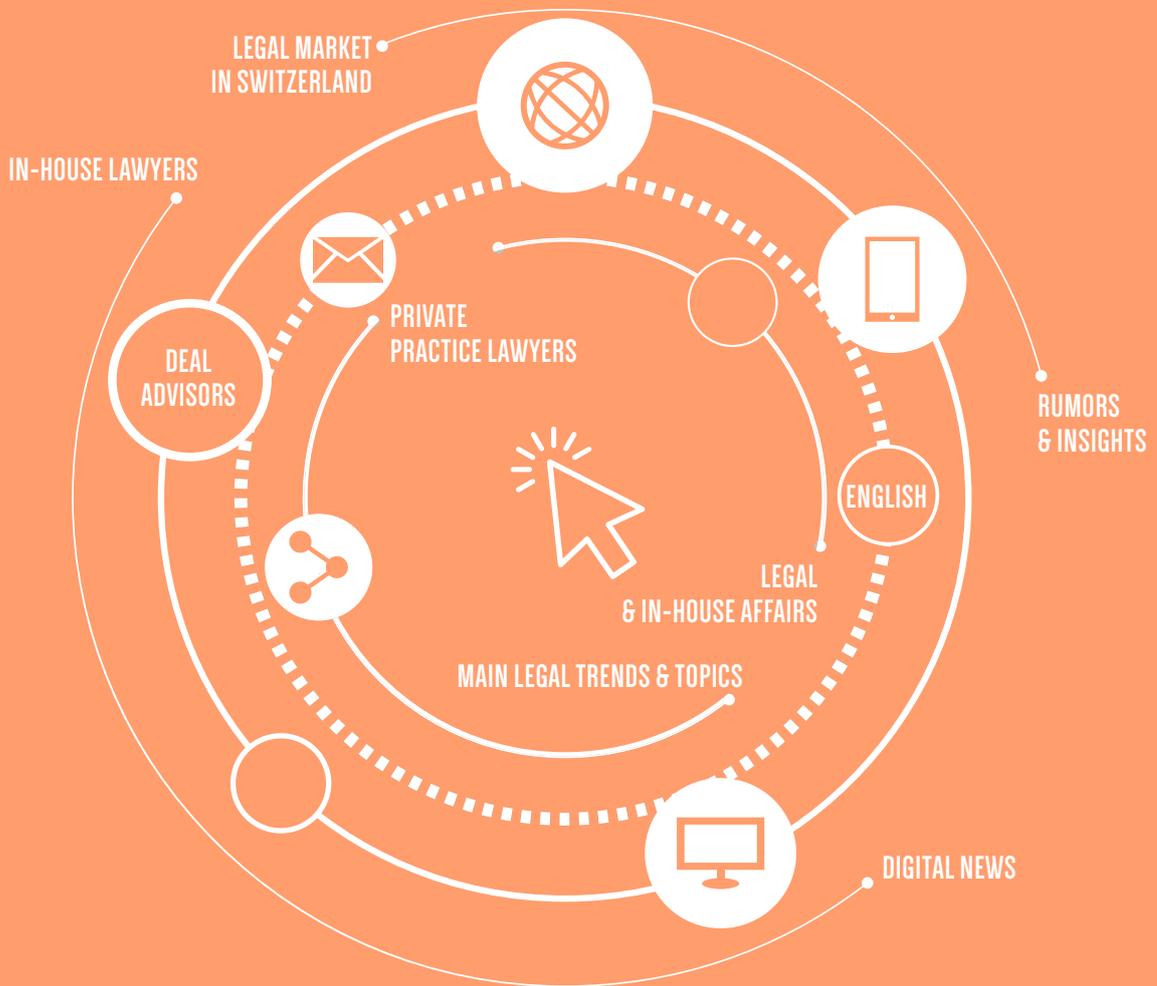
About DG LAW

DG LAW Derecho de los Negocios & Propiedad Intelectual is a law firm focused on Commercial advice for technological or digital start-ups and mid-caps. Founded in 2019, it is at the forefront of providing independent legal services linked to disruptive businesses through its characteristic and marked multidisciplinary approach. The firm has several commercial agreements with national and international strategic partners, which allows it to provide its clients with an exclusive service adapted to their needs. DG LAW Derecho de los Negocios & Propiedad Intelectual also accompanies international investors interested in talent located in Spain in various strategic sectors, as well as Spanish nationals towards the rest of the opportunities hosted by the European Union Member States, as well as those located in the Middle East and Latin America. 



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on the subscription of close collaborations between firms. In fact, I have always been more in favour of “partnership” than pyramid structures. When one, on one’s own initiative, works tirelessly to find one’s own security and well-being, the former develops a number of capabilities that under the umbrella of others are not so easily discovered. Currently, DG LAW has signed agreements with two traditional boutique firms located in Guatemala City (Republic of Guatemala) and Barcelona that will come into force in April 2021. I am confident that the relationship will be more than fruitful and will allow every client to approach new markets, potential investors and different opportunities that go beyond pure legal advice.

A philosophy lover, you also play the piano and are passionate about film and history in general. You also practice basketball. In these times, with a pandemic that has left many people, at least a little dejected, what do you think is more important, recovering your strength and spirit? Music, philosophy, cinema or sport? 2020 has awakened fears that corresponded, in their own right, to another century. For this reason, I believe that the perfect cocktail to smooth out any imbalance caused by the pandemic is precisely the right combination of all of them. Lately, our approach to life (or at least that of generations Y and Z) revolves around concepts long since coined by, among others, Zygmunt Bauman (see his work “Liquid Modernity”). Time, *per se*, has become the most scarce good on the planet -except in certain



DANIEL GUTIÉRREZ

“YOU SHOULD NEVER BE TEMPTED TO SAY ‘MISSION ACCOMPLISHED’ OR THAT ‘X IS ENOUGH’ DESPITE THE FACT THAT YOU ARE COMPLETING STAGES. IT IS NEVER ENOUGH. YOU MUST ALWAYS KEEP IMPROVING EVERY DAY, WITH CLEAR AND DEFINED OBJECTIVES”

territories- and the resilience capacity that each one possesses depends on its management and use. We must be able to combine our hobbies with personal and professional development, as the sum of these factors cannot possibly have a negative outcome.

Finally, what advice would you give to other young people who are considering launching their own firm?

I would tell them to carry out a very critical self-evaluation process. There is no point in “launching” your own firm and starting up in a sector like the legal one -or in any other, I imagine- without at least knowing what you are going to

do, what your value proposal is, how you are going to differentiate from your competitors, and how you are going to generate clients. There are different strategies and ways to approach a project from scratch, and depending on who is leading it, they will be more or less successful.

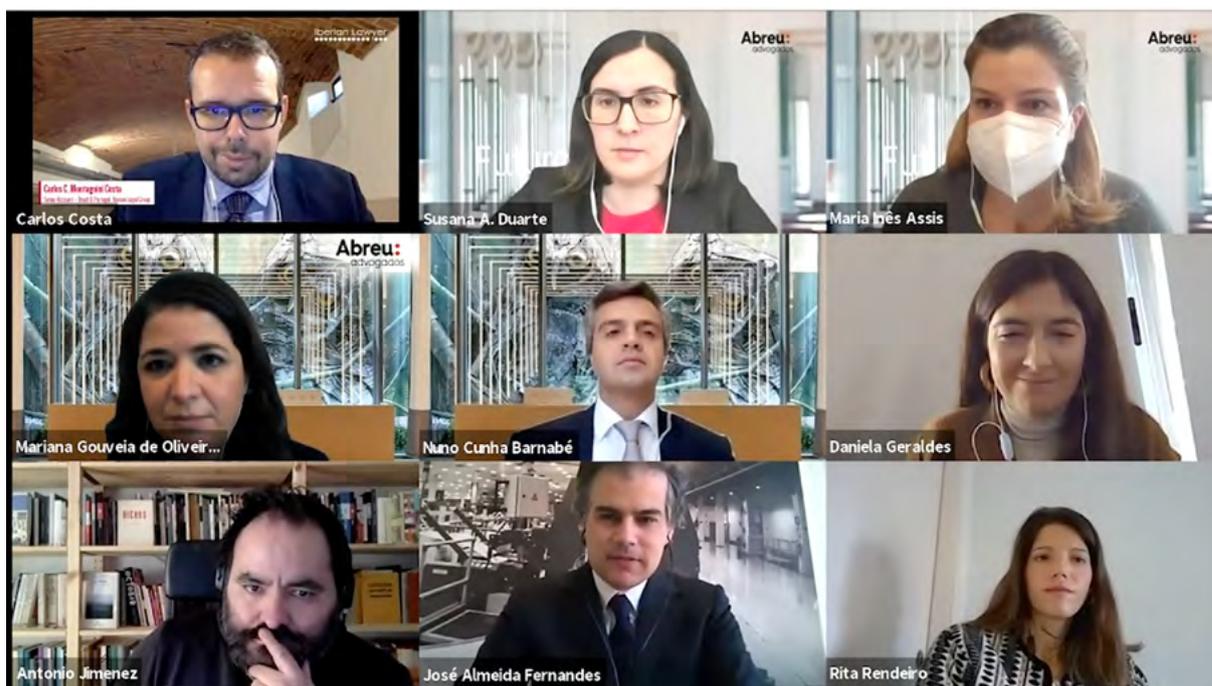
You should never be tempted to say “mission accomplished” or that “X is enough” despite the fact that you are completing stages. It is never enough. You must always keep improving every day, with clear and defined objectives. As Kobe Bryant used to say: “I’m going to *do what I always do: I’m going to break it down to its smallest form, smallest detail, and go after it. Day by day one day at a time.*” 🏀

THE CHALLENGES OF DAC6 IN PORTUGAL



Throughout the years, aggressive tax-planning arrangements have evolved and turned into structures characterised by an increasing complexity. Furthermore, 'tax authorities' defensive countermeasures aiming to protect Member States' tax bases from erosion have favoured, in a certain way, the shape-shifting nature of those mechanisms, which, in response, are always being modified and adjusted. Thus, the significant reduction in tax revenues has turned the gathering of the comprehensive and relevant information associated with those practices a central matter for tax authorities. As the majority of those arrangements involve multiple jurisdictions, the need for a mechanism supporting the automatic exchange of information between them has also been considered a pivotal point to be addressed.

by andré falanghe



It was in the light of the challenges faced by local authorities that the Council of the European Union promulgated the *Council Directive (EU) 2018/822*, commonly referred to as **DAC6**, amending the previous *Directive 2011/16/EU* regarding the mandatory automatic exchange of information reportable in cross-border arrangements. Published on May 25th, 2018, and in force since June 25th of the same year, the new Directive intends to bolster a more efficient environment to seize potentially aggressive tax planning arrangements. To reach this aim, the Council deemed that the best road to follow would be compiling a list of features and elements – referred to as hallmarks – characterising transactions with a strong indication of tax avoidance or abuse; instead of delineating a specific concept of aggressive tax planning. The Directive was transposed into the Portuguese legislation on July 21st, 2020, by the *Law 26/2020* published in the Official Gazette. As previously established by the European Council, it will also

apply all past transactions starting from June 25th, 2018. The transposition was followed by the *Ordinance 304/2020* of December 29th, 2020, approving the form, general information and filling instructions. The incorporation of DAC6 brought forth multiple tasks, and just as many questions, to all players involved – in one way or another – with Tax and Fiscal law in Portugal. Yearning to highlight and discuss the key challenges and grey zones associated with all the new duties and obligations that came with the Directive enforcement, **Abreu Advogados** and **Iberian Lawyer** joined forces to organise the webinar *DAC6 - How are large Portuguese companies preparing?* **António Jiménez Morato** and **Carlos Cezar Montagnini Costa**, from Iberian Lawyer, were joined by Abreu's lead counsel **Maria Inês Assis**, together with senior partner **Susana A. Duarte** and partners **Mariana Gouveia de Oliveira** and **Nuno Cunha Barnabé**. To enrich and expand the roundtable's point of view, **Daniela Geraldes** and **Rita Rendeiro**, respectively Tax director and head of Legal from **Abanca**, and **José Almeida Fernandes**, Tax director of **Semapa - The Navigator Company**, were invited by the law firm to join the conversation. **Nuno Cunha Barnabé** opened the discussion contextualising the implementation of DAC6 in Portugal, also underlining how the legislator opted for a stricter application of the Directive if compared to the other Member States, for instance by



“This is a fiscal duty, unlike any other because it is a very complex obligation, which compliance relies on the relationship among all the entities encompassed by it”

NUNO CUNHA BARNABÉ

extending its field from cross-border operations to domestic operations. Moreover, report duties were expanded to VAT and capital taxes, therefore going beyond the original range of the Directive which, initially, aimed only at income taxes. Additionally, lawyers’ professional secrecy in matters associated with the newly implemented law were repealed, making the scenario even more complex.

“This is a fiscal duty, unlike any other because it is a very complex obligation, which compliance relies on the relationship among all the entities encompassed by it. Both intermediary and the relevant taxpayer must articulate and coordinate their roles with all intermediaries involved, based on the nature of their intervention, the information at the disposal of each of them, their own legal duties (such as the deontological framework regarding lawyers), and even the contractual relations concerning taxpayers, lawyers, and consultants, together with their geographical position,” stated Nuno at the opening of the roundtable.

Mariana Gouveia de Oliveira emphasised how this is not the first time the national legislator extended the Community Directive scope. If compared to the other Member States, the procedures released were not as clear as they would have desired. “Unfortunately, the guidelines completing the

ordinance don’t give the same level of details we have seen in other legislations. Whereas other countries presented quite specific guidelines and examples, therefore allowing an objective and straightforward compliance and also eliminating coordination issues regarding intermediaries and taxpayers.”

The relationship concerning taxpayers and the vast array of intermediaries englobed by DAC 6, together with all their different roles, was one of the main points discussed during the webinar. “The key player, to start with, is the intermediary – the entity which will have the duty to comply with the report. The concept of the intermediary, though, is quite a vast concept and sometimes hard to delimitate. For instance, it englobes not only those responsible for the concession, organisation and provision of the mechanisms that must be reported but also those who offer assistance and advice regarding their ways of working. Especially concerning this second point, the concept is hard to delimitate. It excludes scenarios in which lawyers are only giving objective information regarding a certain fiscal regime, even if they are aware of an underlying fiscal structure existence. And this second scenario does not have any answer or clarification in the guidelines that were made available,” Mariana explained.

Another question raised by Mariana concerned the relevant taxpayer, who, in the end, is the one benefiting from the fiscal structure that must be



“The concept of the intermediary, though, is quite a vast concept and sometimes hard to delimitate”

MARIANA GOUVEIA DE OLIVEIRA



“There will be those with a tendency to report more information, and others inclined to report less”

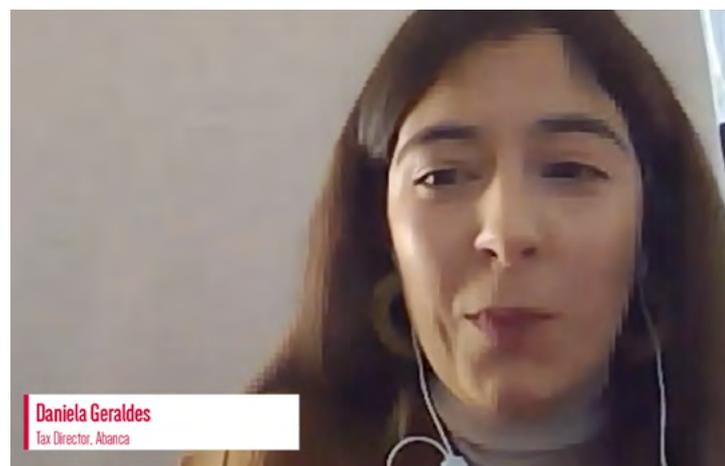
SUSANA A. DUARTE

reported but is subject to report duties just in the scenario where an intermediary is absent. In some cases, however, the taxpayer can also be the only one with a comprehensive view of the structure: “For instance, should I have several intermediaries in a different jurisdiction and none of them can have a broad look of the overall structure of the transactions, only the taxpayer is in the position of knowing the magnitude of the fiscal advantage. Therefore, this raises some question like why the taxpayer is not subject to report duties.” Impacting the relationship between service providers and companies seems to be one of the sole purposes of this new regime, according to **José Almeida Fernandes**: “right or wrong, the precondition is that in the end, the intermediaries are the ones challenging companies for what concerns tax planning. This is made clear when the reporting must be made primarily by the intermediary. At the same time, taxpayers intervene solemnly in a subsidiary manner when there are no intermediaries or when the intermediary has invoked professional secrecy.” This mechanism does not differ excessively from prior regulations, but with the discrepancies that the past regime did not require the intermediary to disclose the taxpayer’s identity or provide just as many information as the new law requires.

Susana A. Duarte deems that the amount of information that must be given is one of the main

challenges to anticipate with the new Directive: “There will be those with a tendency to report more information, and others inclined to report less. This is a practical challenge because the more lawyers, intermediaries, and taxpayers you have, the bigger will be the difference in positions, which can be more or less conservative, regarding the amount of information to be provided.”

For what concerns the banking sector, **Daniela Geraldes** said: “We cannot pursue our clients to obtain more contractual information in order to prove that, as a matter of fact, there is a potentially abusive transaction in place. I believe there is a common understating in the banking sector that the report must be done with the information we have available, information that can be insufficient to provide a report in many cases. Therefore, questions regarding the intermediation will have to be analysed case-by-case, while considering only the existing documentation already available to prove the existence of a potentially abusive operation.” Due Diligence is also strictly connected to this matter: “I do believe that we as lawyers have solely the duty of reporting only what we deem - according to the Law and our convictions - to be reportable.” Nuno Cunha affirmed: “Lawyers can only report what they are convinced must be reported; otherwise we end up with the worst of both worlds,



“Questions regarding the intermediation will have to be analysed case-by-case, while considering only the existing documentation already available to prove the existence of a potentially abusive operation”

DANIELA GERALDES

Iberian Lawyer



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Rita Rendeiro
Head of legal, Abanca

“What will happen is that we won’t find ourselves every day wondering about how to reconcile the confidentiality matter”

RITA RENDEIRO

which is a confidentiality issue.” He also added: “This is an aspect that has been much discussed among lawyers, which is that we would have been way more comfortable from a deontological point of view, because there are contractual duties toward our clients and disciplinary and legal responsibilities if the Bar had expressed an option regarding this matter. There is no option in the sense of going back in time and discussing if the secrecy can or cannot be revoked and if it violates the constitution, but a



José Almeida Fernandes
Tax Director, Semapa - The Navigator Company

“This is made clear when the reporting must be made primarily by the intermediary”

JOSÉ ALMEIDA FERNANDES

discussion in the sense of understanding until which point, and how, from a practical point of view does confidentiality interrelate with the compliance with this obligation.” Concluding his statement, in line with what was previously stated by Daniela Gerales, Nuno asserted: “But one thing is Due Diligence, another is a duty of finding evidence. Due Diligence will imply that I must obtain the information I believe to be adequate – or that must be requested but that is not necessarily provided – and I understand that, if this does not undermine my ability to provide service, I am not obliged to make a report in case I don’t have enough information to judge and make a conscious decision; I can’t see a liability for omitting to report in this scenario.”

In conclusion, “not looking at the single tree



Maria Inês Assis
Advogada Principal, Abreu Advogados

of secrecy, but towards the entire forest for this norm,” as in the analogy made by **Rita Rendeiro**: “What will happen is that we won’t find ourselves every day wondering about how to reconcile the confidentiality matter, but instead what we will all do – both clients and consultants – will be trying to avoid, and I believe that this is the purpose of this regulation, abusive situations and I believe that this is how the norm will reach its goal.” She clarifies: “We, as a bank, won’t be waiting until the very moment when the client makes a transaction, just to think afterwards about how to communicate it to a client. Therefore, I think that in all the plenitude, not reactive but preventive, of this norm, its function will be accomplished. The critical operation will happen with higher caution, but many operations simply won’t take place.”



CAN YOU BE REQUIRED TO GET THE COVID-19 VACCINE IN ORDER TO WORK?

by alberto novoa mendoza,
Labour partner at CECA MAGÁN Abogados and Labour Law teacher

Are companies entitled to require those applying for an open position to provide proof of having been vaccinated against COVID-19? Are employers entitled to require their employees to get vaccinated against COVID-19? Can the employee's refusal to be vaccinated become a fair cause for dismissal?

These are the hottest topics that have flooded most social networks and the main media in recent days, eliciting varied answers from professionals in different legal fields, mainly from experts in Labour and Data Protection matters. Generic answers to legal questions are almost always confusing because, when rules have been established, they don't usually cover all the different possible scenarios; and when there are no applicable rules, conflicts must be resolved by resorting to other sources or to the analogical application of existing ones, making any generalisation impossible. We are facing a pandemic that

causes serious symptoms to some people, mild symptoms to others, death to quite a few and a pleasant surprise to those who discover that they have suffered or are suffering from the disease without even noticing, but nobody is able to foresee which of these circumstances will apply to them if they happen to contract the virus.

And it is within these circumstances that the vaccines have arrived. These vaccines are apparently reliable, harmless and might help to solve the health problem, but they have aroused misgivings among part of the population due to their medium and long-term effects not having been studied or determined. Within this context, lawyers ponder about the possible conflicts of interests that may arise: collective interest (putting an end to the pandemic, public health, collective security) versus individual interest (physical integrity, religious ideas, moral convictions, etc.). The situation becomes more

complicated when these conflicts, which are raised in theoretical terms, are transferred to the framework of a contractual relationship that is as common and intense as life itself: the work relationship.

Within the framework of the employment contract, the health and safety of the employee is not a mere option for the employer, it is an imperative obligation that must be extended to all its employees, without said employer being able to refuse compliance with this obligation by invoking the express will of one or more of its safety creditors.

On the other hand, the employee's right to his or her physical integrity, which is a fundamental right that must be fully protected, authorises him/her to refuse an invasive physical treatment such as a vaccine, even more so when it is a preventive treatment whose future effects could turn out to be harmful for the receiver.

To complicate matters further,

not all jobs are the same and, therefore, the intensity and scope of the safety, prevention and health care measures aimed at employees cannot be standardised even if the harmful agent is the same for all citizens, in this case COVID-19. This is coupled with other company obligations generated by the pandemic in terms of health and exercising due care and, in general, in relation to all those activities in which there is contact with the public, whose health and safety must also be guaranteed. In short, this is the context in which we must try to respond to the questions raised and, even at the risk of engaging in some of the shortcomings mentioned

ABOUT ALBERTO NOVOA

He is a Labour area partner at Ceca Magán Abogados, with more than 18 years of experience in Labour Law. Alberto is a lawyer recognised by a prestigious international legal directory in 2021. He teaches Labour Law at several Spanish Universities and prestigious Business Schools, and in recent years he has become one of the best Labour Law teachers in Spain in the fields of Collective Bargaining and Labour Proceedings. He is also a collaborating lawyer of the Royal Academy of Jurisprudence and Legislation; member of the Board of Directors of the National Association of Labour Lawyers - ASNALA - and advisor to the Labour Framework Committee of the Spanish Association of HR Directors. 

above, I think we could outline some general guidelines that may need to be fine-tuned to specific cases.

Therefore, and in general terms, I believe it is unlawful for a company to question those who apply for a job about their personal stance or situation regarding the vaccine or the disease, and even less so to base their criteria for hiring them or not on either of those matters. The employee's health, within the framework of the labour relationship, may be mandatorily assessed in those professions where the job's performance requires certain physical or psychological qualities as an absolutely essential condition and, in principle, I find it difficult to consider COVID-19 as a non-obvious limitation for such professions. In all other cases, the medical exam is optional for the worker.

Nor, in general terms, may companies require their employees to be vaccinated and, therefore, it cannot be considered cause for disciplinary action. I base such statements on the fact that the limitation of a fundamental right implied by imposing the vaccine does not pass the required suitability, need and proportionality test. With regard to suitability, it's true that the vaccine is apparently effective for the immunisation of the inoculated person, although science is not capable of strictly asserting how long this immunity will last, how effective it may be against possible mutations of the virus and, in short, its long-term effectiveness. Therefore, it is suitable with reservations, and suitability is definitely not absolute. As far as need is concerned, I don't believe it is met with the



required intensity either, since the goal would be to avoid getting infected at the workplace and there are other non-invasive means that are absolutely suitable for the purpose pursued as well as totally respectful of the fundamental rights of the worker.

Indeed, preventing COVID-19 infection in companies has been based, from the beginning of the pandemic, on measures limiting the employees' presence at the workplace to the minimum necessary, social distancing, the use of masks, hand hygiene with hydrogel, ventilation of enclosed workplaces and the use of specific PPE in areas of maximum exposure or risk (healthcare workers, nursing homes and other care services). Lastly, proportionality in the strict sense, which will have to be assessed in each case as I have previously mentioned, is difficult for me to accept beyond the fields of healthcare, care services and nursing homes and, at most and with greater reservations, in the case of law enforcement bodies. Since there are no full guarantees on the safety of the vaccine in the medium and long term and there are other suitable tools for prevention, I find it difficult to sacrifice the employee's fundamental right to his/her physical integrity. 



THE GENDER PERSPECTIVE AS A TRANSVERSAL OBJECTIVE IN THE CHARTER OF DIGITAL RIGHTS

by maría rico, head of Legal at PRA Iberia SLU

The increasingly widespread use of technology, as well as its impact on our society and institutions, without forgetting the unimaginable and accentuated digital reality in which we have been immersed as a result of the crisis caused by the COVID-19, has demonstrated, even more so, the need to have a regulation that protects and guarantees our rights in a virtual environment. Currently, this protection is limited to that established in Title X of the Organic Law on the Protection of Personal Data and the Guarantee of Digital Rights of 2018 (LOPDGDD), which consists of a first list of the digital rights of citizens such as

the right to network neutrality and universal access or the rights to security and digital education, freedom of expression on the internet, the right to be forgotten in search engines and social networks, portability, the digital will, privacy in the use of digital devices in the workplace and digital disconnection, as well as in the recent Royal Decree-Law 28/2020, of 22 September, which regulates remote working. Despite everything that has happened during the year 2020, and being aware of making progress in this area and leading the debate on so-called "technological humanism", Spain has managed to define a reference framework for

the future regulation of Digital Rights. To this end, last June, the Government appointed a group of top-level experts in the digital field, and opened a public consultation process for citizen participation, with the aim of reflecting the broadest possible consensus. The result of all the work carried out was materialised in the draft of the Charter of Digital Rights, made public on 17 November, which compiles the principles and rights which will serve as a guide for the development of future regulations and public policies in this respect, with the aim of guaranteeing the protection of individual and collective rights in the digital world at all times.

ABOUT MARÍA RICO



María Rico joined PRA Iberia SLU as head of Legal in 2018, and has a team of 23 people, specialised in Civil Litigation, Banking and Insolvency Law. Previously, she was head of the Legal department of Lucania Gestión SL, a company specialised in the processing of claims of all kinds and Insolvency proceedings, representing the main banks, financial institutions and investment funds in Spain. She began working in 2009 as a junior lawyer in this company, where she developed a large part of her professional career, leading different teams within the Legal area until she was appointed head of the Legal department, which at that time had more than 60 people. She has a degree in Law from the Universidad de Salamanca and an Executive MBA from IESE. She is used to working in a team with multidisciplinary profiles in a multinational environment and with a deep knowledge and strategic vision of the NPL sector. She has dedicated her last five years to the digital transformation of the departments she has led, by using and developing technology, agile and collaborative methodologies through innovation, optimising processes, assessing inherent business risks, as well as designing and executing strategies in alignment with the needs of clients and the company, promoting a culture of continuous improvement, operational excellence and data-based decision-making.

With the firm intention of achieving sustainable equality, understood as an equality that lasts over time, last July, the WLW Tech commission participated in the initiative through the aforementioned public consultation, contributing different proposals that promote gender equality and the digital empowerment of all women and girls, in line with SDG 5 of Agenda 2030. Throughout the draft, it is evident that these proposals have been taken into consideration since the gender

perspective appears as a transversal objective throughout the drafting of the entire Charter, and proof of this is that it emphasises the need to promote equality in the digital ecosystem, specifically in section VIII, by recognising the right to equality in digital environments, non-discrimination and non-exclusion, expressly including the right to effective equality of women and men in digital environments. Non-discrimination on the grounds of gender is also covered by the extension of

the right to neutrality of the internet, obliging internet service providers to provide a transparent supply of services without discrimination on this ground, and not only on economic or technical grounds (Section XIII), but also by the principle and right to algorithmic non-discrimination, whatever the origin, cause or nature of the bias, in relation to algorithm-based decisions and processes (Section XXIII). It also does not forget about digital transformation processes by emphasising that they will "apply a gender perspective". In order for these rights to be effective, the Charter envisages the need for public authorities to promote policies that guarantee access for all citizens to the digital environment and to combat any digital divide in all its manifestations, ensuring a right of universal, affordable, quality and non-discriminatory access to the Internet for the entire population (Section VIII.2). A space dedicated to minors could not be missing, who also play a leading role in the Charter, specifically in Section IX, by promoting the study of the impact on the development of their personality as a consequence of access to digital environments, paying special attention to dependent behaviour or gender equality, as it is fundamental that the rights of our future generations are duly protected and that equality and respect between them are promoted from childhood onwards, regardless of gender, in the interests of continuing to advance so that the sustainable equality to which I referred earlier becomes a reality sooner rather than later. ■



A MESSAGE FROM **ACCE** **SPAIN**

by

- teresa minguéz, legal and compliance director of porsche ibérica.
- eva argilés, vice-president of acc europe, general counsel at applus+.
- javier ramírez, chair of the advocacy working group of acc europe and member of the board: vp & head of regions litigation & governmental investigations, global legal affairs, hp inc.
- jorge muñoz, acce spain representatives: senior director legal of gilead



A new year is beginning, and from ACCE Spain, we would like to take advantage of this January issue to take stock and share with the legal community the initiatives we have launched during 2020, as well as our high-level objectives for 2021.

The year 2020 has pushed our energy to its limits and even left us exhausted; however, it has undoubtedly enhanced us as thought leaders, active members of companies and society and true colleagues.

The arrival of the COVID-19 to Spain forced in-house counsels, even more, to assume the strategic role that we have been advocating for, for some time now in the ACC. If, in addition, the legal counsel is responsible

for the Compliance function, he has also had to pay special attention to the compliance of operations with internal rules and processes, produced by the nervousness and anxiety caused by the business interruption.

We have witnessed one of the most prolific periods of the Spanish State Official Journal (BOE), with publications, even on Sundays, of orders or decrees. In a highly regulated environment, such as that generated around the management of the health emergency crisis, the in-house counsel has been obliged more than ever to be updated with new regulations and take

immediate decisions on their application.

We have seen a myriad of seminars, conferences and virtual meetings on topics of interest or current affairs, many of which, focused on the coronavirus and new regulatory developments. However, we have also discovered the true value of networking, previously understood as a commercial activity in which we paid little attention to the human warmth, now longed for, that resulted from interaction with other colleagues who shared the same intellectual concerns and the same troubles in their daily tasks.

We have confirmed that efficiency is more necessary than ever, cost containment, good partners for the provision of legal services, unstoppable digitisation and invaluable personal skills of the in-house counsel, such as temperance, agility, security and certainty have been more valuable than ever.

We have developed a solidarity from our workspaces and our most personal corners, extending the bonds of collaboration between colleagues as if we were spectators and at the same time main characters of a war in which little could be done against the enemy, more than comply with the rules and equipping ourselves in the trenches.

From ACCE Spain, we have launched many initiatives and accompanied our associates in different ways.

In the interest of our associates, we organised virtual meetings jointly with our trusted partners, such as Iberian Lawyer, BDO Abogados & Asesores Tributarios, Wolters Kluwer,

Simmons & Simmons or Eugenia Navarro (from Tama Projects), among others, for the analysis of current issues, of legal, economic or strategic nature or on legal operations field. Not to forget that, just before the close-down, we had the luck to host the competition session together with Baker McKenzie in Barcelona, which we are so grateful to held on yearly basis. We have participated as speakers on hot topics, as jury in the designation of awards or in events of recognised prestige for the legal community, such as the Arbitration Open, the Legal Management Forum (by Wolters Kluwer), Forty under 40 Awards, or the Gold Awards (both by Iberian Lawyer) to recognise the best in-house lawyers in the Spanish and Portuguese markets, being proud for our associates to be awarded with many of them.

We have continued with our involvement on advocacy activities with lobbying campaigns to preserve the legal professional privilege for in-house lawyers, partnering in particular with the Spanish General Council of Spanish Lawyers (CGAE) for such purposes, while drafting and circulating position papers and appearance in media.

In addition, after a lot of work and illusion, we managed to start, together with the invaluable collaboration of Gómez- Acebo & Pombo and Eugenia Navarro, our project of management development program, addressed to senior in-house lawyers with management functions to strength personal development in the field of leadership that will continue in this year 2021. It counts with the participation of exceptional

speakers, such as Mark Fritz, expert in leadership and influence, Agustín Peralt, expert and coach in personal efficiency and Eugenia Navarro, Professor at ESADE Law School and expert in legal consultancy management.

Likewise, we have reached a collaboration agreement with Instituto de Empresa (IE Law School) for providing value for our associates, with special rates for legal educational programs.

For the year that has just started and in which we do hope to be able to -truly- meet our colleagues and friends again (despite its challenging start), we will continue to work to increase the value for the in-house counsel community, promoting its strategic role within the company, seeking new ways of interacting and exchanging opinions and experiences among peers, and continuing with our training development programs on which Diversity & Inclusion will play a role.

As Epicurus said, just as "skilled sailors earn their reputation for storms and tempests", the role of the in-house counsel in times of distress has been shown fundamental in contributing to command the ship during the storm, which somehow has led us to be better persons and better professionals. We will remain that way in the future. If you are interested in becoming a member of our community, do join ACCE Spain and stay tuned to our events and to our European conference to be soon announced. 🇪🇺



THE FIVE COMPLIANCE CHALLENGES FOR 2021

by felipe garcía hernández,
member of the International Board of Directors of the World Compliance Association
and member of the Legal Committee

2021 is a year that begins full of challenges in terms of Compliance, without a doubt. It will be an important year, marked by five outstanding milestones.

1) The pandemic has brought a complicated economic scenario for the coming years. The European Union, aware of the seriousness of the situation, has launched a recovery plan that should pave the way out of the crisis and lay solid foundations for a more modern and sustainable Europe. This plan is called the Recovery, Transformation and Resilience Fund.

Member States are now in the process of regulating the management and use of this Fund.

In Spain, the Royal Decree-Law 36/2020 of 30 December was

published in the Official State Gazette on 30 December 2020, where an ambitious plan was designed to restructure the awarding procedures for public contracts, subsidies and their audits. This will undoubtedly mark a turning point in the regulation of controls over the management of public funds. The Member States have an unbeatable opportunity to introduce Compliance mechanisms within the public administrations to control the application of funds, avoiding any temptation to fraud or corruption and improving the integrity and transparency of the awarding processes. In fact, authorised voices in Europe advocate that the Commission and the Member States provide effective, concrete and forceful measures to prevent

possible irregularities in the management of these funds, ensuring that the principles of accountability and transparency are applied. In short, Compliance is knocking at the door of the States.

2) Another important point is the foreseeable transposition of Directive (EU) 2019/1937 on the protection of informants. The Directive imposes a number of obligations on legal entities, whether public or private, and above a certain size, such as protecting the confidentiality of informants and expressly prohibiting reprisals against them, among others.

3) Another highlight is the expected publication of ISO 37301, which is in its final phase, and which will mean a readjustment or redefinition of all the key aspects in the



elaboration and monitoring of Compliance programmes. This new Standard will allow, implement, audit, improve and maintain a Compliance management system, replacing ISO 19600:2014, and will be certifiable.

This international Standard is a clear example of Compliance maturing process and will require a more detailed analysis of the political, social and economic context of companies or entities, openly promoting the use of tools in the channels of complaint. From a reading of its latest draft, the principles inspiring the Standard are clear, such as transparency, sustainability, proportionality and Good Governance. Without a doubt, this is a significant step forward in terms of regulatory Compliance.

4) Another of the most awaited publications for 2021 will be ISO 37002, aimed at providing guidance for the configuration and promotion of the legal entity complaint system, which is one of the master pillars of Compliance programs. The Standard will summary everything that is expected from legal entities in this

important area, with precise recommendations for the handling and management of these systems, which are vital for the quality of the Compliance system and a test of the commitment that organisations must assume. Without a doubt, this Standard will be a beacon for many countries that are now in the process of regulating and implementing this important matter.

5) It is not a surprise if we say that equality policies have long been a priority in Compliance plans. In Spain, the recent publication of Royal Decree 901/2020, which regulates equality plans and their registration, and Royal Decree 902/2020, on equal pay for women and men, complement and underpin what is already provided for by Royal Decree-Law 6/2019 on urgent measures to guarantee equal treatment and opportunities between women and men in employment. These rules will certainly translate, in the Spanish business sector, throughout 2021, into a set of measures that companies will have to face, such as, for example, and depending on their size, having an equality

ABOUT FELIPE GARCÍA HERNÁNDEZ

Felipe García is a practising lawyer at the Madrid Bar Association. He is a partner of Circulo Legal in the Madrid office and devotes his professional activity to Litigation and business advice, focusing his specialities on Compliance, Trade Discipline, Competition and Tourism. He holds a Master's degree in Legal Consultancy from the Instituto de Empresa.

He is a member of the International Board of Directors of the World Compliance Association and member of the Legal Committee.

Felipe is a regular speaker at national congresses, seminars, round tables, colloquiums and talks organised by associations, companies, business schools, professional associations, foundations and chambers of commerce. 

plan, moving towards equal pay, applying principles of transparency and equality in remuneration, avoiding direct or indirect discrimination, etc. There is no doubt that remuneration records and remuneration audits will play a leading role in 2021.

In short, 2021 promises to be a year full of new developments in terms of regulatory Compliance, and it is up to the Member States of the European Union to seize this exceptional opportunity to jump on the bandwagon of Compliance, the bandwagon of transparency and integrity, once and for all. 



contacts:

lech.zyzylewski@dzp.pl
anna.okla-wozniak@dzp.pl

+48 22 557 76 98

DUE DILIGENCE OF REAL PROPERTY UNDER POLISH LAW

by Lech Żyżylewski, Partner Head, Real Estate Practice at DZP

Lech specialises in real estate law issues. He has extensive experience in matters involving investment financing and real estate purchase and sale transactions. A recognised expert in reprivatisation issues, he advises (legal successors to) former owners of nationalised real estate and other property and current owners (users) thereof. He also acts on their behalf before courts and administrative authorities as counsel in administrative, administrative court and court proceedings.

by Anna Okła-Woźniak, Senior Associate, Real Estate Practice at DZP

Anna specialises in real estate purchase, sale, tenancy and lease transactions, and in investment project implementation, including civil and administrative aspects of the investment process, with special focus on construction law issues. She also advises on administrative and administrative court proceedings involving real estate. She has extensive experience in the area of reprivatisation.

When rationally planning an investment a component of which is to be real property, it is worth preparing for it properly. One of the first steps that should

be taken by an investor before purchasing real property or an enterprise that owns real property is a legal audit of the real property to be purchased, i.e. a due diligence. A properly

conducted due diligence enables early detection of legal risks and defects associated with a property. This gives a chance to repair them or minimise their effects until the transaction itself. The



report on the due diligence may also be a reason for ending negotiations if the legal defects in the real property prove to be so significant that they would cause too much financial or other risk to the buyer. The due diligence report often has a significant impact on business negotiations too, e.g. negotiations over the price of the property or enterprise to be purchased, as early detection of irregularities related to the property gives a stronger negotiating position to the buyer, who can take advantage of it, e.g. by negotiating a more favourable price for the property or enterprise to be purchased. When deciding to carry out a transaction in Poland, it is all the more advisable to carry out a due diligence, as the Polish legal conditions concerning real property are, in certain aspects, very different from those outside its borders. A crowning example of the specificity of Polish legal regulations on real property is the institution of perpetual usufruct right. It is one of the forms of property law which is, in essence, most similar to real property ownership and it is a common legal title to real property in Poland. A perpetual usufruct

right is limited in duration and is usually established for 99 years (never for less than 40 years). Moreover, the perpetual usufructuary has to pay an annual fee for the right (of 0.3% to 3% of the real property value). A perpetual usufructuary of real property has rights very similar to those of a real property owner (e.g. it may freely dispose of its right), though it may be subject to certain restrictions and even additional obligations. These obligations and limitations may result from the document based on which the perpetual usufruct was established, i.e. an agreement establishing the perpetual usufruct right or a unilateral decision in this respect. Therefore, if a transaction involves real property held in perpetual usufruct, when examining legal title to the real property one cannot stop at examining the agreement (or other document) based on which the perpetual usufruct right was acquired from another entity. In this situation, it is also necessary to examine the document that is the source of the perpetual usufruct right (a decision or agreement establishing the perpetual usufruct right). This document may contain a number of provisions imposing on

the perpetual usufructuary obligations or limitations related to the use of the real property. Breach of these obligations or limitations may even lead to the loss of legal title to the real property. A very important aspect of a due diligence of real property located in Poland should also be a check of whether the real property is treated, under Polish regulations, as agricultural or forest land, as Polish regulations provide for a number of restrictions on buying and selling agricultural or forest land, which, depending on the type of transaction, may include: i) a right of first refusal vested in state authorities, ii) the obligation to obtain the prior consent of a given institution prior to the transaction, or iii) the subsequent right of a relevant authority to acquire a given real property after the transaction. In the case of agricultural land, it is also important to note that, following acquisition and for five years thereafter, it may be used by its acquirer solely for agricultural purposes. Breach of any of the above obligations may even lead to the acquisition of the land being invalid. Given the above, the acquisition of real property that, under Polish law, is agricultural land should be preceded by a detailed analysis as regards the planned manner of use, taking into account any limitations resulting from Polish regulations.

Of course, the aspects described above are not the only ones that should be taken into account when purchasing real property in Poland. Depending on the real property, the issues may vary and require professional evaluation.

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