

Ramón y Cajal

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experience

Joaquín García Bernaldo de Quirós joined the firm as Partner in the Public Law & Regulated Sectors and Urban Planning & Environment Practices in 2013, after an extensive career in the area of Public Administration.

He has been a Judge since 1988 and Senior Judge (*Magistrado*) specialising in contentious-administrative proceedings since 1990. Currently on leave, he was Presiding Judge of the Contentious-Administrative Chamber of the High Court of Justice of Andalucía from 2001 until 2011.

He subsequently held the position of Chairman of the Spanish National Competition Commission from 2011 to 2013. As Chairman of this institution he participated in training initiatives with the Competition Authorities of Peru (INDECOP), Colombia (Superintendency of Industry & Commerce), the Republic of Santo Domingo and Ecuador. He has also been involved in work to improve the training of members of the judiciary of Colombia, Peru and Ecuador, giving workshops on public procurement, the authorisation of penalties in competition matters and regulatory policy at the various Supreme Courts.

On an international level, he has been an UNCTAD International Consultant from 2013, within the COMPAL II Programme (Strengthening Institutions and Capacities in the Area of Competition and Consumer Protection Policies), funded by the Swiss State Department for Trade and managed by the United Nations Conference on Trade and Development (UNCTAD).

education

Degree in Law from the Universidad de Granada, 1984.

teaching

Joaquín is Associate Professor in Administrative Law at the Universidad de La Laguna (1989-1990) and the Universidad de Málaga (1992-2011).

He has also been director of and speaker on judicial training courses of the Spanish Judiciary (*Consejo General del Poder Judicial*) and has given classes on various master's degrees in the area of Litigation Law.

In particular, he has given the following papers:

- 23-24 May 2002 "El medio Ambiente y el Derecho procesal". En: *Curso Interdisciplinario sobre la Protección Jurídica del Medio Ambiente* ("The Environment and Litigation Law", in the Interdisciplinary course on the Legal Protection of the Environment). Consejo General del Poder Judicial. Consejería de Justicia y Administración Pública. Jaén (Cazorla).
- 26-28 March 2003 "La protección de la legalidad urbanística". En: *I Jornadas de estudios Urbanos y Territoriales. La ley de Ordenación Urbanística de Andalucía*. ("Ensuring legality in urban development", in I Conference on Urban Planning and Land Development. The Urban Planning Act of Andalucía). Escuela Superior de Gobierno Local CEMCI. Málaga (Torremolinos).
- 3-4 April 2003 "Efectos Procesales y Constitucionales de la Nueva ley de Ordenación Urbanística de Andalucía". En: *Curso Interdisciplinario sobre la protección Jurídica del Medio Ambiente. Especial referencia a la Materia Urbanística*. ("Procedural and Constitutional Effects of the New Urban Planning Act of Andalucía", in the Interdisciplinary course on the Legal Protection of the Environment. Special reference to matters of Urban Planning.) Consejo General del Poder Judicial. Consejería de Justicia y Administración Pública. Almería (Cabo de Gata).
- 12-14 November 2003 "La Protección del medioambiente: Aspectos penales y administrativos". En: *Foro de Formación y Estudios Medioambientales del Poder Judicial en La Comunidad Autónoma de Andalucía*. ("Protection of the Environment: Criminal and administrative aspects", in the Environmental Training and Studies Forum of the Judiciary of the Regional Government of Andalucía.). Consejo General del Poder Judicial. Consejería de Justicia y Administración Pública. Huelva (Matalascañas).
- 18-20 October 2004 "Las declaraciones de Impacto Ambiental en el recurso Contencioso-Administrativo". En: *Foro de Formación y Estudios medioambientales del Poder Judicial en la Comunidad Autónoma Andaluza*. ("Environmental Impact Statements in Contentious-Administrative Appeals", in the Environmental Training and Studies Forum of the Judiciary of the Regional Government of Andalucía.). Consejo General del Poder Judicial. Consejería de Justicia y Administración Pública. Cádiz.
- 5-7 June 2006 "La protección preventiva del medio ambiente a través del control de la actividad administrativa". En: *Foro de Formación y Estudios medioambientales del Poder Judicial en la Comunidad Autónoma Andaluza*. ("The preventive protection

of the environment through control of administrative activity”, in the Environmental Training and Studies Forum of the Judiciary of the Regional Government of Andalucía.). Consejo General del Poder Judicial. Consejería de Justicia y Administración Pública. Cabo de Gata-Níjar.

His academic activities and involvement as legal expert also include the following:

- UNCTAD International Consultant in the years 2013, 2014, 2016, 2018 and 2019 within the COMPAL II Programme (Strengthening Institutions and Capacities in the Area of Competition and Consumer Protection Policies), funded by the Swiss State Department for Trade and managed by the United Nations Conference on Trade and Development (UNCTAD).
- International Consultant selected by the Supreme Court of the Federal Republic of Mexico for the implementation of environmental law in Mexico. 2011.
- International Consultant selected by the Republic of Algeria for the training of the Judiciary of such country in matters relating to environmental law. 2009.

In 2000 he also participated in the “Ongoing judicial training project” funded by the Judiciary and in 2009 in the “Project for the improvement of the Contentious-Administrative Courts in Panama”, funded by the Supreme Court of Justice of Panama and the Spanish Agency for International Cooperation (AECI).

publications

Joaquín is author of numerous publications in the area of administrative law, specialising in the areas of Public Procurement, Urban Planning and the Environment. Of particular note are the following:

1.- Public Procurement:

- *Derecho de la Contratación Pública y Regulada (Public and Regulated Procurement Law)*. Ed. Civitas, Madrid, 2004.
- “El ámbito subjetivo de la Ley de Contratos de las Administraciones Públicas. Especial referencia a los organismos autónomos y entidades públicas empresariales: Respuesta de la jurisprudencia” (“The subjective scope of the Public Authority Contracts Act. Special reference to independent bodies and state-owned enterprises: Answers in case law.”). In: *La Contratación de las Administraciones Públicas*. Ed. Comares, 2001.
- *Comentarios a la Ley de contratos de las Administraciones Públicas y a su reglamento de desarrollo parcial (Notes to the Public Authority Contracts Act and its partial implementing regulations)*, by Ruíz Ojeda, A. and García Bernaldo De Quirós, J. Ed. Civitas, 1996.
- “Directivas comunitarias en la actividad municipal” (“EU directives in municipal activities”), in *Revista Trámite Parlamentario y Municipal*, nº 59. 2002.
- “Jurisprudencia del Tribunal Superior de Justicia de Andalucía relativa a la Autonomía Local en 1996” (“Case law of the High Court of Justice of Andalucía in relation to Local Self-Government”), in *Anuario del Gobierno Local*, 1997.

2.- Urban Planning:

- “La neutralidad del regulador en la actividad económica. Aplicación a la actividad urbanística” (“The neutrality of regulators in business activities. Application to the activity of urban development”), in *Derecho de la empresa y de los mercados financieros: Ramón y Cajal Abogados. 30 años*. Cizur Menor (Navarra): Aranzadi, 2016.
- “La protección de la legalidad urbanística” (“Ensuring legality in urban development”), in *Derecho Urbanístico de Andalucía*. Ed. El Consultor de los Ayuntamientos y los Juzgados, 2006.

- “La aplicación del Derecho de la Competencia en la regulación y gestión del uso del suelo” (“The application of Competition Law in the regulation and management of land use”), in *Anuario de la Competencia* nº 1, 2016. Ed. Fundación ICO /Marcial Pons, Madrid-Barcelona.
- “Urbanismo y ordenación del territorio. La nueva Ley estatal del suelo y su influencia en la actividad de planificación” (“Urban development and land-use planning. The new Land Act and its impact on planning activities”), in *Abogacía* nº 0, 2008.
- “La Autonomía Local ante el Urbanismo. Incidencia del Derecho de la Unión Europea. Hacia un Desarrollo Sostenible” (“Local Self-Government in Urban Development. The impact of EU Law: Towards Sustainable Development”), in *Manuales de formación continuada* nº 44, 2007.
- “Prevaricación de alcaldes en materia urbanística” (“Prevarication of mayors in matters of urban development”), in *Revista Trámite Parlamentario y Municipal*, nº 58. 2002.
- “Cesión de suelo municipal.” (“The handover of municipal land.”), in *Revista Trámite Parlamentario y Municipal*, nº 61. 2002.

3.- Environment:

- *Manual de Derecho Ambiental de la República de Panamá. (A guide to Environmental Law of the Republic of Panama.)*. Ed. Consejo General del Poder Juicial-Corte Suprema de Justicia (Panamá), 2000.
- “Activismo del Tribunal de Justicia de las Comunidades Europeas en materia medioambiental” (“The Activism of the Court of Justice of the European Communities in environmental matters”), in *Ativismo Judicial e Déficit Democráticos: Algumas Experiências Latino-Americanas e Europeias*. Ed. Lumen juris. Brasil, 2010.
- “Notas de Jurisprudencia Ambiental” (“Notes on Environmental Case Law”), in *El Medio Ambiente Urbano*. CEMCI. Granada, 2003.
- “Las Competencias Autonómicas sobre medio ambiente y su problemática en los Tribunales Superiores de Justicia” (“The powers of Regional Governments regarding the environment and the problems posed for the High Courts of Justice”), in *Cuadernos de Derecho Judicial XII: La protección jurisdiccional del medio ambiente*. Consejo General del Poder Judicial, Madrid, 2001.
- “Protección jurídica del Medioambiente y Tribunales de Justicia: Jurisprudencia del Tribunal de Justicia de las Comunidades Europeas, del Tribunal Europeo de Derechos Humanos, del Tribunal Constitucional y del Tribunal Supremo de España. Anexo de sentencias del TSJA” (“Legal Protection of the Environment and the Courts of Justice: Case Law of the Court of Justice of the European Communities, of the European Court of Human Rights, of the Spanish Constitutional Court and of the Spanish Supreme Court. Appendix to judgments of the High Court of Justice of Andalucía”), in *Derecho Ambiental en Andalucía*. Ed. Tecnos.
- “La Legitimación del Ministerio Fiscal” (“The legal standing of the Public Prosecutor”), in *Comentarios a la Ley 26/2007, de 23 de octubre, de responsabilidad medioambiental*. Ed. Aranzadi, 2008.
- “Las declaraciones de impacto ambiental en el recurso contencioso-administrativo” (“Environmental Impact Statements in Contentious-Administrative Appeals”), in *Estudios de derecho judicial* nº 65, 2004.
- “Prevención de Vertidos” (“Discharge Prevention”), in *Revista Trámite Parlamentario y Municipal*, nº 62. 2003.

languages

French.

associations

Full member of the Royal Academy of Case Law and Legislation of Granada (*Real Academia de Jurisprudencia y Legislación de Granada*).