



## David Fernández Flores

Senior associate

Lima

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### **EU and Antitrust Law**

### **Administrative and Constitutional Law**

Technology, Communications and Digital

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David Fernandez is a senior associate in the Competition, Economic Regulation & IP department at the Office of Garrigues in Lima. He earned his JD degree from San Marcos University in Lima and his LLM degree from the New York University, with a focus on Competition, Innovation and Information Law. He has been awarded with the Fulbright Scholarship, granted by the US Department of State (2018). He is an expert in Competition Law and Policy, with over 10 years of experience working in key positions for the Peruvian Antitrust Authority, plus 4 years in the private practice, working on Competition and Regulation affairs. He has extensive experience in working out complex matters with authorities and senior officials in the public and private sectors, and a proven track record of professional and academic accolades.

### **Experience**

David Fernandez is a senior associate in the Competition, Economic Regulation & IP department at the Office of Garrigues in Lima.

He has extensive professional experience, especially in the public sector, where he held key positions for the highly regarded Peruvian Antitrust Authority (INDECOPI). During this period, he led the successful prosecution of anticompetitive conducts in many economic sectors, including pharmaceutical, cement, construction, maritime transport and energy. Moreover, his work is regarded crucial in boosting the effectiveness of the Antitrust Agency since, among others, he co-drafted the Initiative for the Peruvian Competition Policy (2021-2023); drafted the Bill for the amendment of the Criminal Code and Competition Act to enhance Competition enforcement (2020-2023); co-drafted the Award-winning Guidelines on Antitrust Compliance Programs for INDECOPI (2020); drafted the Guidelines on Trade Associations and Free Competition for INDECOPI (2019); drafted the Bill for the amendment of the Competition Act (2018); drafted the Award-winning Leniency Program Guidelines (2017); drafted the Bill for the amendment of the Competition Act (2015).

Before that, he was a Legal Assistant for the Competition Division of Muñiz, Ramírez, Pérez-Táiman y Olaya - Attorneys at Law; where he participated in several investigations and legal consultancy on antitrust and telecommunications regularion matters. He was a trainee at the Corporate Law Division of Torres y Torres

Lara, Attorneys at Law.

Among his academic accolades, he has been awarded the Fulbright Scholarship by the United States Department of State (2018). He has also published several papers on Competition topics and constantly participates as a speaker for different institutions and universities.

## Academic background

- LL.M., Antitrust Program, New York University, United States.
- Administrative Law Degree, ESAN University, Peru.
- J.D., San Marcos University, Peru.
- LL.B., San Marcos University, Peru.

## Teaching activity

He has been assistant professor for several classes in different institutions. Particularly, he has been part of the following classes at the Law School of Pontificia Universidad Católica del Perú:

- Commercial Law Seminar. Assistant Professor. Academic Years: 2013-2014.
- Commercial Law Seminar. Assistant Professor. Academic Year: 2021-1.
- Economy and Law. Assistant Professor. Academic Year: 2021-2.

## Distinctions

His main academic accolades include the following:

- Fulbright Scholarship. Granted by the US Department of State through the Fulbright Commission in Peru, 2018.
- Law degree thesis defense. Outstanding distinction and for-publication mention, 2015.
- First of the class. Administrative Law Degree at ESAN University, Law School, 2014.
- University of Oxford Competition Capacity Building Program. Merit-based sponsored by UNCTAD-COMPAL, 2013.
- First of the class. XV Graduate Course on Telecomm Regulation of OSIPTEL (Peruvian Telecom Regulator), 2011.
- First of the class. XII Graduate Course on Competition Policy and Intellectual Property of INDECOPI, 2010.

## Publications

- "*Litigación Predatoria: ¿anticompetitiva o desleal?*". Revista de la Competencia y la Propiedad Intelectual - INDECOPI. Lima, 2015.
- "*Políticas de Competencia*". Acuerdo comercial entre Perú, Colombia y la Unión Europea: contenido, análisis y aplicación. Universidad del Pacífico, Unión Europea. Co-author: Luis José Diez Canseco Núñez. Lima, 2013. Re-edited by Universidad Javeriana, Colombia, 2015.

- "*¿Debe el INDECOPI contar con un mecanismo de restitución del sobrepago como consecuencia de una conducta anticompetitiva?*". Derecho Administrativo: Innovación, Cambio y Eficacia, Libro de ponencias del Sexto Congreso Nacional del Derecho Administrativo, Thomson Reuters. Lima, 2014.
- "*It's all about efficiency: the aim of competition law in Peru*". Revista de la Competencia y la Propiedad Intelectual - INDECOPI. Lima, 2013.