



Luis de la Peña Fernández-Nespral

Partner

Madrid

luis.de.la.pena@garrigues.com

Abogado colegiado nº 61047

I. Colegio de la Abogacía de Madrid

Plaza de Colón, 2

28046 Madrid (Spain)

Tel: +34 91 514 52 00

Fax: +34 91 399 24 08

Corporate and M&A

Banking and Finance

Financial Regulation

Luis de la Peña is a partner in the Corporate/Commercial Law Department at Garrigues, where he has pursued his professional career. He specializes in financial and regulatory law and is co-head of the Garrigues FinTech Hub.

Among other areas, he is an expert in banking regulations, consumer finance, distance financial services, collective investment vehicles, pension funds, investment services, private equity, payment services, e-money, and in all regulatory aspects of financial products and the prevention of money laundering. Luis is the lawyer of choice at several Spanish and foreign financial institutions operating Spain.

He has a degree in law from San Pablo-CEU (Universidad Complutense de Madrid) and an Associate's Degree in EU law (CEU-San Pablo). He has been singled out by the main legal directories (Chambers & Partners, The Legal 500 and IFLR 1000). He speaks Spanish, French and English.

Experience

Luis de la Peña is a partner in Garrigues' Corporate/Commercial Law Department, where he has spent his entire professional career. He specializes in financial and regulatory law.

Among other areas, he is an expert in banking regulations, consumer finance, distance financial services, collective investment vehicles, pension funds, investment services, private equity, payment services, e-money and all financial product and anti-money laundering-related regulatory aspects. He is the lawyer of choice at various Spanish and international financial institutions operating in Spain.

He has also played an active role in the analysis and design of financial products, specializing in cross-border activities at supervised entities, multilateral negotiation systems, compensation, and the settlement of securities and has worked in coordination with lawyers from other jurisdictions.

He is a partner in the Corporate/Commercial Law Department at Garrigues, where he has pursued his entire professional career. He specializes in financial and regulatory law.

Among other areas, he is an expert in banking regulations, consumer finance, distance financial services, collective investment vehicles, pension funds, investment services, private equity, payment services, e-money, and in all regulatory aspects of financial products and the prevention of money laundering. Luis is the lawyer of choice at several Spanish and foreign financial institutions operating Spain.

He has also played an active role in the analysis and design of financial products, specializing in cross-border activities at supervised entities, multilateral negotiation systems, compensation, and the settlement of securities and has worked in coordination with lawyers from other jurisdictions.

He also provides advice on disciplinary proceedings before the Bank of Spain, the Spanish National Securities Market Commission (CNMV) and the Enforcement Service of the Anti-Money Laundering and Monetary Infringements Commission (SEPBLAC).

Luis also provides recurring advice to the leading Spanish and foreign private banking institutions. He is a regular speaker at specialist seminars and training courses on regulatory matters and anti-money laundering-related issues.

He is an advisor to the PIOB (Public Interest Oversight Board).

Academic background

- Degree in Law, San Pablo-CEU (Universidad Complutense de Madrid).
- Associate's Degree in EU Law (CEU-San Pablo).

Teaching activity

Lecturer on the Master's Degree in Private Banking at Universidad Carlos III.

He has lectured on several postgraduate classes at Centro de Estudios Garrigues.

Memberships

- Member of the Madrid Bar Association.
- Trustee of the "Manuel Benedito" Foundation.

Distinctions

- **The Legal 500, "Banking & Finance". Tier 1.**

Category "Leading individuals". According to his clients: "Luis de la Peña: Extraordinary in his relational capacity at the highest international level, and magnificent English, as well as great capacity for internal (labor, tax) and external coordination of great legal complexity (US lawyers)".

- **Chambers & Partners**

"Europe 2022: Banking & Finance: Financial Services Regulation".

- **IFLR 1000. Top Tier Firm.**

"Financial Services Regulatory". According to his clients: "The firm's strong relationship with the Spanish securities regulator was essential in bringing the deal to a successful close. The firm is excellent across a broad range of specialties and can handle all legal issues that arise, from whatever area of law, in order to

get results".

Publications

He is co-author of "Medio Siglo de Inversión Colectiva en España" (Half a Century of Collective Investment in Spain), Fundación INVERCO, 2007.

He has also written numerous articles including those published in recent years in Revista de Derecho del Mercado de Valores "2008: Comercialización de las IIC de Inversión Libre a entes sin personalidad jurídica" (Commercialization of collective investment vehicles to entities without legal personality); 2009: "El asesoramiento independiente: una aproximación a las EAFI" (Independent advisory services: a look at financial advisory firms); 2011: "Reforma de los sistemas españoles de compensación, liquidación y registro de valores bursátiles" (Reforms to Spanish systems governing the compensation, settlement and registration of stock market securities), International Financial Law Review, Negocio, Dinero, FundsPeople, Expansión, Cinco Días etc.

Notworthy examples include:

- DE LA PEÑA FERNÁNDEZ-NESPRAL, L., "Crédito responsable: un nuevo concepto en nuestro ordenamiento jurídico" (Responsible credit: a new concept in our legal system), Revista de Derecho Bancario y Bursátil, April-June 2013, p. 47 et seq.
- DE LA PEÑA FERNÁNDEZ-NESPRAL, L., "Comercialización de productos y servicios bancarios de inversión" (Commercialization of investment banking products and services), Cuadernos de Derecho para ingenieros (VII), Cuaderno Vigésimo noveno, Wolters Kluwer España, 2015.
- DE LA PEÑA FERNÁNDEZ-NESPRAL, L. and others, "Retos legislativos para la regulación del fenómeno "FinTech" en España y Latinoamérica" (Legislative challenges for regulation of the FinTech phenomenon in Spain and Latin America), Cuadernos FinTech de Garrigues, February 2021.
- DE LA PEÑA FERNÁNDEZ-NESPRAL, L., CHOLVI ROIG, F., "La evolución de la normativa sobre criptoactivos en España: Un camino hacia la regulación material" (The evolution of legislation on cryptoassets in Spain: the road towards material regulation) Boletín Dimensión Mercantil, nº. 1, Pontificia Universidad Católica del Perú, August 2022.
- DE LA PEÑA FERNÁNDEZ-NESPRAL, L., CHOLVI ROIG, F., "Mecanismo de precomercialización transfronteriza de IIC: una regulación compleja e importantes retos por delante" (Cross-border pre-commercialization mechanism of collective investment institutions: complex regulations and important challenges lie ahead", Funds Society, September 2022.