



## Marta Guerrero Rodríguez

Principal associate

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### Administrative and Constitutional Law

Tourism and Hotels

Planning, Zoning and Environment

ESG

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Marta Guerrero is a principal associate in the Administrative Law, Planning and Zoning, and Environmental Department at Garrigues, where she has pursued her professional career since 2005. She stands out for her expertise in matters relating to public procurement, auditing of accounts, administrative, judicial review and zoning proceedings, as well as in a wide range of regulated sectors (airports, education, transportation, tourism, etc.). She provides advisory services to public and private clients relating to the resolution of complex issues and the design and implementation of projects, as well as legal assistance in proceedings and appeals in the administrative and judicial review jurisdictions. She has extensive experience in participating in M&A deals from the standpoint of administrative law and regulations.

She holds a Law Degree from Universidad Autónoma de Madrid, an associate's degree in Business Studies from Universidad Nacional de Educación a Distancia and an Executive Master's Degree in Planning and Zoning from Centro de Estudios Garrigues. She is a member of the Public Procurement Observatory, an occasional speaker in specialized forums.

### Experience

Marta has been a principal associate in Garrigues' Administrative Law, Planning and Zoning, and Environmental Department since 2017, having joined the firm in 2005.

Throughout her professional career, she has participated in numerous complex matters and projects, bringing to bear her extensive experience and credentials in the following areas:

- Administrative proceedings of all kinds conducted before the public authorities and public agencies (AESA, AEMPS, FEGA, ICAC, CNMV, etc.) and, in particular, penalty proceedings in multiple areas (zoning, airports, domestic trade and consumer goods, auditing of accounts, etc.); ordinary and special administrative appeals and judicial review proceedings (at all levels of jurisdiction and appeals – ordinary and special).

- Public procurement, an area in which she has advised both the private sector (by preparing specialized opinions on issues relating to the applicable legal regime in relation to tenders and awards, enforcement, assignment and termination of all manner of contracts; assistance with preparing and opening bids; special appeals in procurement matters and subsequent judicial review appeals, procedures for contractual amendments and economic-financial readjustments, etc.), and the public sector (drafting of special administrative terms of tender, specimen contracts, reviewing proceedings, etc.).
- Auditing of accounts, an area in which she has a comprehensive and practical view of the activity, as a result of the recurring advice she has provided over the years both to auditors and audit firms of all sizes and to non-audit public-interest entities regarding their obligations and liability regime and that of the members of their audit committees, as well as in-depth and updated knowledge of the rulings of the Spanish Accounting and Audit Institute (ICAC) and the courts regarding multiple substantial aspects. She has guided multiple clients through the process of adaptation to changes in the regulations governing the activity and the various recommendations made by the ICAC and other supervisory bodies, advising them on the design and review of their structures, their operating and internal functioning systems and the procedures comprising their internal control systems. In addition, she has provided legal assistance in relevant administrative and judicial proceedings, in the judicial review jurisdiction, having as their subject-matter the activity pursued by the same, as well as in the context of investigations and inspections conducted by the ICAC and other supervisory bodies.
- Planning and zoning, a field in which she has provided comprehensive assistance (in planning, management and enforcement) in the implementation and processing of zoning and infrastructure projects, procedures to restore legality, etc.
- Public infrastructure. She has participated in defining and developing public partnership models for the construction, financing and operation of infrastructure and real estate projects. Of note is her advice to AENA S.M.E., S.A. in recent years on the development of the airport ancillary services areas of the Madrid and Barcelona airports, comprising the analysis of myriad administrative law issues (zoning, airports, public procurement, public authorities property regime, condemnation, etc.).
- Corporate compliance from the administrative law standpoint. She has participated in designing, developing and reviewing regulatory compliance systems of private and public entities in the area of administrative law (public procurement, transparency, industry-specific regulations, zoning, etc.) and has advised private companies with evidencing the adoption of specific self-cleaning measures in the context of public procurement prohibition declaration proceedings.
- Legal advice on M&A deals and corporate restructuring transactions from the standpoint of administrative law. She has a wealth of experience in diligence reviews of companies in the context of such transactions, particularly in sectors subject to administrative oversight (education, hotels, healthcare and social/health, infrastructure and transportation concessions, airports, planning, mines, environment, etc.) and advising both on the drafting of the relevant agreements and on the administrative law formalities required to implement the transactions.
- Preparation and application of legal provisions at both the statutory and regulatory levels in conjunction with the public authorities and delimitation of the regime governing the allocation of powers and functions between the various public authorities in different areas.
- Assistance with the territorial reorganization of public authorities and public entities (CSIC, CIEMAT, FROM).

She is fluent in Spanish, English and French, and has a basic command of Germany.

She is a member of the Public Procurement Observatory.

## Academic background

- Law Degree, Universidad Autónoma de Madrid.
- Associate's Degree in Business Studies, Universidad Nacional de Educación a Distancia.
- Executive Master's Degree in Planning and Zoning, Centro de Estudios Garrigues.

## Teaching activity

Marta is a lecturer at a number of institutions. She has been a lecturer in several programs organized by Centro de Estudios Garrigues (in the Master's Degree in Executive Corporate Compliance, since 2018; in the Master's Degrees in Legal Practice – Employment and Labor Specialization – and in Fashion Business & Law, from 2014 to 2018; and in the Executive Master's in Business Law, organized jointly with Harvard University, from 2010 to 2012). She also contributes as a lecturer to the Master's Degree for Access to the Legal Profession organized by Universidad CEU San Pablo.

She participates and is an occasional speaker in specialist forums, courses and sessions (organized by the Official Association of Industrial Engineers, Fide, etc.).

## Memberships

- Member of the Madrid Bar Association.
- Public Procurement Observatory.

## Distinctions

Legal 500 (2022): mentioned among other key lawyers in the Public Law Garrigues Team.

## Publications

- "El Compliance en el ámbito del Derecho Administrativo" (Compliance in the Administrative Law Sphere), *Defensa Corporativa y Compliance* (coord. J.M. Alcolea and J.M. Pardo). Thomson Reuters-Aranzadi and Garrigues. 2019.
- "La novación y negociación de las deudas" (Novation and negotiation of debts), *La Morosidad del Sector Público* (coord. M. A. Recuerda). Thomson Reuters-Civitas. 2012.
- "Paso a las herramientas privadas para gestionar la crisis pública" (Switching to private tools to deal with the public crisis). *Diario Expansión*. 2011.
- Opinion pieces for the Public Procurement Observatory (<https://www.obcp.es>): *"¿Invocación de medidas de 'self-cleaning' en los expedientes de declaración de prohibición de contratar? Realidad práctica"* (Invoking self-cleaning measures in public procurement prohibition declaration proceedings. Practical reality) (July 2022); *"El impacto del Covid en las nuevas licitaciones"* (The impact of Covid on new tender procedures) (October 2021) o *"Algunas reflexiones sobre la legitimación activa del licitador no adjudicatario para interponer recurso especial en materia de contratación frente a la resolución de adjudicación"* (Some thoughts on the locus standi of the unsuccessful bidder to file a special procurement-

*related appeal against the award decision*) (January 2016).

- She regularly publishes alerts, opinions and comments in the Administrative Law Area of Garrigues Publications.