

Public and Regulatory

INDEX

**Montero
Aramburu &
Gómez-Villares
Atencia**

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01.

Who we are 

We are a law firm of clients who, by combining **legal quality** with dedication and honesty, accompany them in making their most important decisions.

We work with **dedication and efficiency** in the pursuit of legal excellence, in line with our values.

At Montero Aramburu & Gómez-Villares Atencia every decision we make and every service we offer is imbued with our values:



Honesty

It is the pillar on which the trust our clients place in us is built. We act with transparency and integrity in all situations, ensuring consistency between our words and actions.

Knowledge

We strive to keep up to date and be experts in our field, in order to offer the best possible advice to our clients.

Criterion

Our ability to discern and make informed decisions is a key factor. We offer our clients thoughtful and prudent judgement, always striving for excellence and integrity in every action.



Commitment

For us, commitment is not a formality, but the bond that binds us to our clients. We are by their side every step of the way.

Proximity

We strive to offer personal attention, genuine proximity and friendliness that characterise every interaction with our clients.

Trust

We work hard to gain and maintain our clients' trust in every case and situation, always meeting our objectives and commitments.

In our firm, human quality
is at the same level as legal quality.

We turn every professional relationship into a
personal commitment, anticipating and solving
our clients' legal challenges with solid, innovative,
effective and, above all, honest solutions.

DATA:



+270 Lawyers and economists
+370 Employees



9 Offices located in the
national territory



22 Areas of practice

02.

Services 


Our firm has specialists in all areas of law, which allows us to offer comprehensive advice to our clients in both the public and private sectors, seeking an innovative approach that generates a positive impact on business strategy and provides a clear differential value.

Areas of specialisation

- Banking and Finance
- Civil
- Compliance and Corporate Governance
- Corporate and M&A
- Digital
- Family Business
- Energy
- Entertainment and Sport
- Foundations, Associations and other Non-Profit Entities
- Real estate
- Employment Law
- Capital Markets
- Commercial Law
- Criminal Law
- Litigation and Arbitration
- Industrial and Intellectual Property
- Public and Regulatory
- Restructuring and Insolvency
- Insurance
- Sustainability and Environment
- Tax
- Town planning

03.

Public and Regulatory



With an increasingly complex and changing regulatory framework, public law advice is essential for the stability and growth of companies. The diversity of our clients has allowed us to gain knowledge within a wide range of sectors of activity (public sector contracts, concessions, infrastructures, asset liability, public services, tourism, ports, professional associations, telecommunications, public property, energy, urban and regional planning, environment, among others).

Our advice ranges from the issuing of legal opinions to the handling of all types of administrative proceedings and appeals, reaching all levels and in all matters, including constitutional jurisdiction, in the contentious-administrative jurisdiction. We also advise public administrations and other public sector entities. All this allows us to address any legal-public issue with a practical and comprehensive approach.

Administrative, contentious-administrative and constitutional law

Advisory and contentious advice to both private clients and public sector entities in the different areas of Administrative and Constitutional Law:

- Administrative and constitutional litigation. Appeals for protection and questions of unconstitutionality.
- Advice and defence in disciplinary proceedings of all kinds.
- Advising on public property (water, mountains, mines, coasts and ports).
- Assets of public administrations.
- Advice and defence in compulsory purchase proceedings.
- Advice in relation to the formulation and application for authorisations in relation to any classified activity.
- Applications for aid and subsidies.
- Administrative appeals of all kinds. Ex officio reviews.
- Agreements.

Administrative, contentious-administrative and constitutional law

- Claims for liability in the areas of health, environment, urban planning, etc.
- Administrative organisation: autonomous bodies, public business entities, consortia, public trading companies, public foundations, etc.
- E-government: administrative simplification. Transparency and good governance.
- Draft rules of all administrations.
- Preventive advice on offences and crimes against public health, consumers and users, health, etc.
- Local Law.
- Organisation and public employment.

Regulated sectors

- Advising before independent regulatory bodies: National Securities Market Commission (*Comisión Nacional del Mercado de Valores - CNMV*), National Commission on Markets and Competition (*Comisión Nacional de los Mercados y de la Competencia - CNMC*), Bank of Spain, among others.

- Advice in administrative or judicial proceedings in defence or formulation of complaints for infringements in competition matters before the competition authorities (state or regional).

Tourism

- We are present in the geographical areas with the greatest weight in tourism activity, with onsite offices from which we provide ongoing advice to some of the main companies in the tourism sector.

- Due diligence of tourism businesses and assets in general in operations of acquisition, financing, investment, restructuring or implementation of tourism businesses (hotels, timeshares, marinas, leisure parks, etc.).

- Qualifying documents for the opening or operation of tourism businesses or activities.

- Administrative review or inspection procedures and appeals before public administrations.

Telecommunications

- Advice to local councils and town councils on telecommunications ordinances and regulatory plans and any conflicts arising in their practical application.
- Advice to operators on the processing of the authorisations (licences, concessions, etc.) for the exercise of their activity and/or the deployment of the necessary infrastructure.
- Advice and defence in disciplinary proceedings; administrative and contentious-administrative appeals.

Energy

- Advice on applying for, processing and obtaining all permits, licences, authorisations, concessions and any other authorisations ('PLAs') necessary for the development, construction and operation of energy projects.
- Due Diligence of all kinds of energy projects.
- Comprehensive advice for the implementation of any energy project, especially for the production of energy from renewable energy sources (green hydrogen and its derivatives, geothermal, storage, hybridisation, reverse hydro, biogas, biomethane, photovoltaic, wind, etc.) and also for the hybridisation or repowering of existing projects.
- Assistance on any question of access and connection to transmission and distribution networks, including the preparation of access disputes before the CNMC or the competent regional authority and participation in capacity tenders.
- Advice on the constitution and return of financial guarantees for the processing of projects.
- Assistance on all matters relating to town planning, the environment, applications for declarations of public utility, compulsory expropriation, public domain (water, maritime-terrestrial, mountains, roads, livestock trails, roads, etc.) and any other.

Energy

- Advice on the processing of projects of 'regional interest'/'strategic'/'priority' (preparation of the strategy and action plan; resolution of consultations and continuous advice throughout the processing; response to requests and preparation of allegations; preparation of strategic reports on the public interest of the project; review of the legal aspects of the technical documentation, etc.).
- Assistance in obtaining water use permits for the execution of green hydrogen projects and their derivatives.
- Assistance in the relationship with public administrations and private agents.
- Advice on current legislation, regulatory projects, modifications and simplification.
- Preparation of reports on any aspect of Public Law.
- Advice on the remuneration system.
- Advice on energy efficiency (e.g. CAEs).
- Legal defence in any administrative or contentious-administrative proceedings related to the above issues.

Town and country planning

- Advice on the processing, approval and execution of urban planning and land use planning instruments, both for private individuals as well as public authorities.
- Negotiation and drafting of urban planning and urban management agreements; advice on the presentation of the initiative in the compensation system, sole proprietor or through a development agent; negotiation and conclusion of the sole proprietor agreement; constitution of compensation boards and urban conservation entities; legal advice and secretariat of compensation boards.
- Drafting of the report on reparcelling projects and overseeing the process until they are registered in the land registry.
- Intervention in procedures for obtaining land for general/local systems by direct occupation or expropriation.
- Advising on expropriation and property liability proceedings as a result of town planning or land use planning.
- Reports and opinions on urban planning or sectorial regulations; due diligence or urban planning audits.

Town and country planning

- Advice on the procedure for the granting of all types of urban planning licences (commercial licences, works, installation, first occupation, opening, demolition, activity, etc.) and the necessary sectorial authorisations.
- Legal advice on the processing of special authorisations on rural land, by obtaining authorisation prior to licensing.
- Legal advice on the regularisation of buildings by declaring them to be in a situation of assimilated out of ordination -SAFO-, and in procedures for the regime of licensed buildings -RAEL-.
- Defence in disciplinary proceedings and proceedings for the restoration of legality.
- Advice on subsidised housing.
- Preventive advice on offences against town and country planning.
- Administrative and contentious-administrative appeals in urban or sectorial matters.

Sustainability and Environment

- Assistance in the administrative processing of environmental permits (including their review and modification) for plans, programmes and projects.
- Legal defence (in administrative and contentious-administrative proceedings) in sanctioning procedures for non-compliance with environmental regulations.
- Advice on obtaining permits for historical heritage, natural heritage and biodiversity, forests, mines and coasts, among others.
- Advice to companies and the public sector on all their environmental obligations (including the application of the 'circular economy' principle; waste, atmospheric emissions, pollution (noise, light, odour and soil), integral water cycle and dumping).
- Advice to public administrations, organisations and public bodies on the drafting and application of regulations.
- Specialised advice to industries (chemical, energy, ceramics, manufacturing, food, among others).
- Advice on compliance with new ESG or sustainability obligations (sustainability reporting, new Due Diligence Directive, taxonomy, etc.).

Sustainability and Environment

- Advice on accessing grants that apply ESG criteria and participating in sustainable public tenders.
- Preparation of Sustainability Reports for SMEs.
- Application of ESG criteria to specific areas and for different purposes (e.g. to make the application of urban planning parameters more flexible; to individualise projects; to demonstrate the strategic nature of a specific project, etc.).

Public procurement

- Comprehensive consultative and contentious legal advice (pleadings, appeals and litigation) in all phases from the tender to the execution of the contract, as well as its subsequent termination and liquidation. Both in tenders governed by general public procurement legislation and those governed by special contractual regulations (excluded sectors), including any field (such as health or defence) or national or international organisation.
- Preparation of submission of tenders (preparatory documentation, tender documents) and compliance protocols for regulatory compliance in public procurement.
- Claims for payment of public contracts. Price reviews and re-establishment of economic and financial equilibrium, audits in the field of public procurement.
- Special appeals in procurement matters before the contract review tribunals; ordinary administrative appeals before the various contracting authorities; and improper appeals before the bodies of other public sector entities.

04.

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ACCOMPAN-
YING YOU
IN EVERY
DECISION

**Montero
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Atencia