

## *Curriculum Vitae*

**Name:** Mafalda Carmona

**Citizenship:** Portuguese

**Date of birth:** 21.07.1975

**Languages:** Portuguese, English, French



### **Professional status:**

- Professor at the University of Lisbon, Faculty of Law
- Lawyer, admitted to the Portuguese Bar Association on 22.02.2002
- Founding Partner, Lobo Carmona & Associados
- Arbitrator

**Areas of specialization:** Administrative Law; Constitutional Law

## **I – Academic qualifications**

- PhD in Law (Administrative Law), University of Lisbon, Faculty of Law, 2017: *Teoria do Estado-Administração, princípio da legalidade e imputação de danos* [Administrative State theory, legality principle and attribution of damages]
- LLM in Law (Administrative Law), University of Lisbon, Faculty of Law, 2003: *O ato administrativo conformador de relações de vizinhança* [The administrative act with conforming effect on neighbourhood relations]
- Degree in Law, University of Lisbon, Faculty of Law, 1998

## **II – Academic experience**

- Assistant Lecturer (1998–2012)
- Professor (since 2017)
  
- Areas of teaching
  - LLM: Administrative Litigation
  - Graduation: Administrative Law I, II, III

## **III – Career as lawyer**

- Sérvulo Correia, Asdrúbal Calisto, Jorge Calisto & Associados: trainee (1998)
- Sérvulo & Associados: trainee (1999-2002); associate (2002-2007); senior associate (2007-2017)
- Cuatrecasas, Gonçalves Pereira & Associados: Of Counsel (2017–2021)
- Independent practice (2021–2022)
- Founding Partner, Lobo Carmona & Associados (since 2023)
  
- Experience:
  - Advising a Portuguese public entity in Mozambican administrative law matters, concerning public procurement procedures
  - PPP negotiation and implementation
  - Public works contracts and public concessions
  - Public procurement
  - Administrative litigation on bank resolution, representing the Bank of Portugal

#### IV – Main publications

- *Estabilidade das “peças do procedimento” nos leilões de oferta pública – em especial, nos leilões SMRA* [The stability of "procedural documents" in public bid auctions – particularly SMRA auctions], AAFDL, Lisbon, 2022
- “Âmbito objetivo da Parte III; invalidade *vs* ineficácia dos contratos” [Objective scope of Part III; invalidity *vs* ineffectiveness of contracts], in *Atas da Conferência – A Revisão do Código dos Contratos Públicos de 2021* [Conference Proceedings - The 2021 Revision of the Public Procurement Code], AAFDL, Lisbon, 2021, 195-212
- “Reflexões em torno da impossibilidade definitiva na execução dos contratos administrativos” [Reflections on the definitive impossibility in the execution of administrative contracts], *E-Pública* 2020, 7/3, 96-122
- “Fundamento constitucional da indemnização pelo sacrifício (a propósito de servidões *non edificandi*)” [Constitutional grounds of compensation for sacrifice (regarding *non edificandi* servitudes)], in *Responsabilidade civil extracontratual do Estado e demais entidades públicas*, [Non-contractual liability of the State and other public entities], Lisbon, 2020, 9-45
- “Sobre a autonomia da responsabilidade civil da Administração Pública” [On the autonomy of the civil liability of the Public Administration], in *Comentários ao Regime da Responsabilidade Civil do Estado e das Entidades Públicas* [Comments on the Civil Liability Regime of the State and Public Entities], AAFDL, Lisbon, 2018, 135-195
- “Dano patrimonial puro – entre o modelo da *faute* e o modelo do RRCEEP” [Pure economic loss – between the *faute* model and the RRCEEP model], in *Atas do XI Encontro de Professores de Direito Público* [Proceedings of the XI Meeting of Professors of Public Law], UP, Porto, 2018, 55-80
- “O Recurso de Revisão” [The Review Appeal], *CJA* n.º 124 (2017), 59-71
- “Liberdade negativa e liberdade positiva” [Negative freedom and positive freedom], in *Estudos em Homenagem ao Professor Doutor Jorge Miranda* [Studies in Honour of Professor Jorge Miranda], II, Almedina, Coimbra, 2012, 511-536
- *O acto administrativo conformador de relações de vizinhança* [The administrative act with conforming effect on neighbourhood relations], Almedina, Coimbra, 2011
- “Relações jurídicas poligonais, participação de terceiros e caso julgado na anulação de actos administrativos” [Polygonal juridical relations, participation of third parties and *res judicata* in the annulment of administrative acts], in *Estudos em Homenagem ao Professor Doutor Sérvulo Correia* [Studies in Homage to Professor Sérvulo Correia], II, Almedina, Coimbra, 2010, 695-728

- «*Public Procurement – Portugal*», co-authored with Duarte Rodrigues Silva, in *International Public Procurement*, C. Campbell / D. Campbell (org.), Oxford/Oceana, 2004-2015, POR-1
- “O princípio *pro actione* no procedimento administrativo” [The *pro actione* principle in administrative procedure], co-authored with Sérvulo Correia, CJA n.º 44 (2004), 30-45

## V – Conferences (selection)

- *Perspetiva de Direito Público* [Public Law Perspective], “Programa Mais Habitação” [More Housing Programme], Lisbon, 2023
- *Impossibilidade e alteração das circunstâncias* [Impossibility and change of circumstances], “Direito Público da Exceção” [The Public Law of the exception], Lisbon, 2022
- *Âmbito objetivo da Parte III; invalidade vs ineficácia dos contratos* [Objective scope of Part III; invalidity vs. ineffectiveness of contracts], “A Revisão do Código dos Contratos Públicos de 2021” [The Revision of the Public Procurement Code 2021], Lisbon, 2021
- *Ilicitude* [Unlawfulness], “*Temas de Direito Administrativo III – "Responsabilidade civil extracontratual do estado e demais entidades públicas, por facto ilícito"*” [Administrative Law Themes III – Non-contractual civil liability of the State and other public entities, due to unlawful fact], Lisbon, 2021
- *Perspetiva de Direito Público* [Public Law Perspective], “Direito Civil Luso-Brasileiro: do negócio ao crédito – Desafios e convergências no dealbar da nova década” [Luso-Brazilian Civil Law: from business to credit - Challenges and convergences at the dawn of the new decade], Brasília/Lisbon, 2020
- *Operacionalização de vicissitudes do contrato no contexto da pandemia Covid-19: acordos modificativos e extintivos; poderes de conformação da relação contratual* [Operationalisation of vicissitudes of contract in the context of the Covid-19 pandemic: modifying and extinguishing agreements; powers of conformation of the contractual relationship], “Contratos públicos: grandes questões no contexto da crise Covid-19” [Public procurement: major issues in the context of the Covid-19 crisis], Lisbon, 2020
- *Procedimento e ato administrativo no pensamento de Sérvulo Correia* [Procedure and administrative act in Sérvulo Correia], “Sérvulo Correia e o Direito Público – Conferência de Apresentação dos «Escritos de Direito Público»” [Sérvulo Correia and Public Law - Presentation Conference of the "Public Law Writings"], Lisbon, 2019

- *Fundamento constitucional da indemnização pelo sacrifício* [Constitutional basis for compensation for sacrifice], “A indemnização pelo sacrifício” [Compensation for sacrifice], Lisbon, 2018
- *Responsabilidade e dano* [Civil liability and damage], in “Direito Público e Direitos Públicos: Pontes, Diálogos e Encruzilhadas – XI Encontro dos Professores de Direito Público” [Public Law and Public Rights: Bridges, Dialogues and Crossroads – XI Meeting of Professors of Public Law], Porto, 2018
- *Novidades do regime substantivo, em especial: invalidade do contrato, cessão da posição contratual e subcontratação, modificações objetivas, outras alterações (empreitada e concessão)* [Novelties of the substantive regime, in particular: invalidity of the contract, assignment of the contractual position and subcontracting, objective modifications, other alterations (works contract and concession)], with Ana Gouveia Martins, “As Principais Novidades do Código dos Contratos Públicos Revisto” [The Main Novelties of the Revised Public Procurement Code], Lisbon, 2017

## **VI – Recognitions\***

- “Mafalda Carmona is a specialist in litigation matters, with an excellent and sharp approach to public law disputes. She inspires great confidence” – Legal 500, 2019
- “[...] Mafalda Carmona stands out for her experience in litigation, as well as public contracts and public administration liability matters” – Legal 500 highlight, 2019
- “Mafalda Carmona wins plaudits from interviewees for being “*very astute and creative*”. She frequently assists clients with public procurement procedures and concession agreements and in relation to litigation” – Chambers review, 2020
- “Mafalda Carmona has a very unusual in-depth knowledge of administrative law coupled with a brilliant intelligence and fine analytical skills – she is a notable lawyer at the top of her generation” – Legal 500, 2020
- “Mafalda Carmona assists with a variety of public law matters including public procurement procedures and administrative disputes. She is additionally experienced dealing with concession agreements and regulatory matters” – Chambers review, 2021

\*while in Cuatrecasas, Gonçalves Pereira & Associados

## **VII – Academic bodies (current positions)**

- Member of the Scientific Council, University of Lisbon, Faculty of Law

- Member of the Board, ICJP – Institute for Legal and Political Science, University of Lisbon, Faculty of Law

### **VIII – Memberships and editorial positions**

- Researcher of Lisbon Public Law Research Centre
- Member of the ICJP – Institute for Legal and Political Science
- Member of the Public Law Arbitration Council of APA – Portuguese Arbitration Association
- Peer Reviewer, E-Pública