



Domingos Miguel Soares Farinho

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Gender: Male Nationality: Portuguese

WORK EXPERIENCE

[03/2017 – Current] **Lawyer**

Domingos Soares Farinho, Lawyer

Address: Lisbon, Portugal

Main activities and responsibilities:

Law&Tech - Platform and IA regulation

Fundamental Rights - Privacy, Data Protection, Freedom of Speech

Administrative Law - Public Procurement , Regulatory Law, Urban and Environment Law

Third Sector Law - Governance and Regulatory Law

[02/10/2013 – Current] **Assistant Professor**

University of Lisbon School of Law

Address: Lisbon, Portugal

Main activities and responsibilities:

Public Law

(especially Constitutional and Administrative Law, Fundamental Rights (Privacy and Free

Speech) Institutional Design, Regulatory Law, Urban Planning Law)

[01/03/2016 – 31/10/2016] **Lawyer (Consultant)**

Vieira de Almeida

Address: Lisbon, Portugal

Main activities and responsibilities:

Third Sector

Telecoms

Privacy

Administrative Law

[12/2011 – 12/2015] **Partner**

Terceiro Quadrante - Soluções Sociais (Third Quadrant - Social Solutions)

Address: Rua Artilharia Um, 51 Páteo Bagatela, Edifício 1, 4.º andar, 1250 - 137, Lisboa, Portugal

Main activities and responsibilities:

Strategic consulting, training, fundraising and communication

[04/2008 – 09/2011] **Director of the Office for Alternative Dispute Resolution**

GRAL - Office for Alternative Dispute Resolution, Ministry of Justice

Address: Av. D. João II, Lote 1.08.01-D/E, Torre H, Piso 1, 1990-097, Lisboa, Portugal

Main activities and responsibilities:

Developing and executing public policies concerning alternative dispute resolution (ADR)

[04/2005 – 04/2008] **Advisor to the Office of the Prime-Minister**

Office of the Prime Minister

Address: Rua da Imprensa à Estrela, 4, 1249-064, Lisboa, Portugal

Main activities and responsibilities:

Wide variety of cross-departmental issues, concerning strategy within government, especially leading to the delivery by the Prime-Minister. In particular, technology-oriented policies, education and health.

[04/01/2001 – 15/03/2002] **Legal advisor to the Secretary of State for Internal Administration (Home Office)**

Ministry of Internal Administration (Home Office)

Address: Praça do Comércio, Ala Oriental, 1149-018, Lisboa, Portugal

Main activities and responsibilities:

written opinions assessing the fulfillment of requirements under portuguese law (sufficient assets and purpose) for the authorization of foundations

[11/2004 – 04/2005] **Lawyer**

Barrocas, Sarmento, Neves, Sociedade de Advogados

Address: Amoreiras, Torre 2, 15º piso, 1070-274, Lisboa, Portugal

Main activities and responsibilities:

Public Procurement, Public-Private Partnerships concerning the National Health System

[03/2003 – 12/2003] **Legal Consultant**

Sonaecom

Address: Rua do Viriato, 13 E, 1069-315, Lisboa, Portugal

Main activities and responsibilities:

Legal Consultant on Telecom Regulation

[01/06/2002 – 30/11/2002] **Trainee-lawyer**

Linklaters

Address: Avenida Fontes Pereira de Melo 14 15th Floor, 1050-121, Lisboa, Portugal

Main activities and responsibilities:

Public procurement. Finished the training for the Bar exam, taken on March, 2003

[15/09/2001 – 01/10/2013] **Assistant**

University of Lisbon School of Law

Address: Alameda da Universidade, 1649-014, Lisboa, Portugal

Main activities and responsibilities:

Research and teaching position on several subjects of Public Law: Constitutional and Administrative Law, Environmental Law, Constitutional and Administrative Process, International Public Law

[21/08/2000 – 20/12/2000] **Trainee-lawyer**

Albuquerque e Associados

Address: Rua Victor Cordon, 21, 1200-482, Lisboa, Portugal

Main activities and responsibilities:
written legal opinions on administrative law

EDUCATION AND TRAINING

[07/2004 – 09/2012] **Ph.D in Juridical-Political Sciences**

University of Lisbon School of Law

Address: Alameda da Universidade - Cidade Universitária, 1649-014, Lisboa, Portugal

Field(s) of study: Law

National classification: 6

Main subject / occupational skills covered:

Foundations and Public Interest: Administrative and Regulatory Law framework

[09/2009 – 12/2009] **Certificate - Advanced Course in Public Management (CAGEP)**

INA - Instituto Nacional de Administração (National Institute of Administration)

Address: Palácio dos Marquês de Pombal, 2784-540, Lisboa, Portugal

Field(s) of study: Public Management

Main subject / occupational skills covered:

Management skills for top public officials

[2002 – 2003] **Post-Graduation in Legal-Political Sciences**

University of Lisbon School of Law

Address: Lisbon, Portugal

Main subject / occupational skills covered:

Political Science: rules for selection of candidates for Members of Parliament by political parties

Administrative Law: administrative class actions

Constitutional Law: Freedom of Speech and Privacy in Cyberspace

[09/1995 – 07/2000] **Law Degree**

Law School of the University of Lisbon

Address: Alameda da Universidade - Cidade Universitária, 1649-014, Lisboa, Portugal

Field(s) of study: Law

National classification: 5

Main subject / occupational skills covered:

Law

LANGUAGE SKILLS

Mother tongue(s): Portuguese

Other language(s):

Spanish

LISTENING C1 READING C2 WRITING A2

SPOKEN PRODUCTION B1 SPOKEN INTERACTION B1

French

LISTENING B1 READING C1 WRITING A1

SPOKEN PRODUCTION A2 SPOKEN INTERACTION A2

English

LISTENING C2 READING C2 WRITING C2

SPOKEN PRODUCTION C2 SPOKEN INTERACTION C2

Italian

LISTENING A1 READING B2 WRITING A1

SPOKEN PRODUCTION A1 SPOKEN INTERACTION A1

German

READING B1

DIGITAL SKILLS

My Digital Skills

Microsoft Word | Outlook | Microsoft Powerpoint | Instagram | Social Media | Twitter

PUBLICATIONS

[2022]

Fundamental rights and conflict resolution in the Digital Services Act Proposal: a first approach

<https://e-publica.pt/article/36849-fundamental-rights-and-conflict-resolution-in-the-digital-services-act-proposal-a-first-approach>

Fundamental rights are at the centre of the proposal for a new Digital Services Act (DSA), an EU Regulation that aims to update the e-Commerce Directive, the nuclear legislation on intermediary service providers. Of special importance among these providers are online platforms, the gatekeepers of the new social, economic and political life of the digital XXI century. Both content management and conflict resolution in the context of online platforms fall under the provisions of the DSA and they are key to an adequate regulation of users' interaction, both with the online platforms and among themselves and to the protection of fundamental rights. The paper analysis content management and conflict resolution mechanisms under the e-Commerce Directive and the DSA Proposal through the perspective of fundamental rights protection and promotion. The goal is to offer a first approach and appraisal to the conflict resolution mechanism put in place by the Proposal and ascertain if they comply with

EU and Member States law and assure the adequate and balanced exercise of fundamental rights.

[2022] **The new “right to protection against disinformation” in Portugal**

<https://www.e-publica.pt/volumes/v8n3a06.html>

in e-Pública, vol. 8, n.º 3, 2021, pp. 79-97

[2021]

The Portuguese Charter of Human Rights in the Digital Age: a legal appraisal

<https://www.revistatransparencia.com/ojs/index.php/ret/article/view/191>

Reference: in Revista Española de la Transparencia número 13 (Segundo semestre. Julio - diciembre 2021), p. 85

The paper carries out a legal appraisal of the recently approved Portuguese Charter of Human Rights in the Digital Age. It analyses its structure both as a human rights instrument and as Portuguese fundamental rights instrument focusing on new norms introduced in the system and redundant ones. In this latter case interpretation problems are highlighted, in particular when considering the Portuguese open clause of Article 16 of the Constitution that allows for fundamental rights approved by ordinary laws. Finally, a specific new right is given special attention - the right to protection against disinformation - especially concerning its relation with the freedom of expression. The paper aims to show that the scope of the new provision would allow an unconstitutional restriction on the freedom of expression and that a valid norm must be determined by adequate balancing

[2021]

A Right of Access to State-held Information Concerning the Education and Work History of (Elected) Candidates for Parliament (in English)

<https://edpl.lexxion.eu/article/EDPL/2021/2/25>

Reference: European Data Protection Law Review, Volume 7 (2021), Issue 2, pp. 327 - 335

Case Centre for Democracy and the Rule of Law v. Ukraine, Application no. 10090/16, European Court of Human Rights, Fifth Section, 26 March 2020

[2021]

Are all Social Solidarity Private Legal Persons (IPSS) contracting authorities under EU law? Contribution to a constitutionally correct interpretation of the management control criterion regarding the statute of the IPSS - Annotation to the Central Administrative Court of the South Decision of October 10 2019, Process No. 836/19.9BELSB (in Portuguese)

Reference: in Revista dos Contratos Públicos, CEDIPRE, n.º 25, 2021, pp. 131-152

[2021]

The principle of Open Administration: the evolution in the positive Portuguese law (in Portuguese)

◦ in Freitas, Tiago Fidalgo e Alves, Pedro Delgado, "O Acesso à Informação Administrativa", Coimbra, Almedina, 2021", p. 7-30

[2020]

The Thin Red Line: the form of exercise of legal-administrative competences - Administrative Supreme Court Decision of February 13th 2020, Process 1818/15.5BELSB (in Portuguese)

Reference: in *Cadernos de Justiça Administrativa*, n.º 139, Janeiro-Fevereiro 2020, p. 50-69

[2020] **From Good Reason to Public Reason (in Portuguese)**

- Marques, Cláudia Lima / Cerqueira, Gustavo, "A função Modernizadora do Direito Comparado - 250 anos da Lei da Boa Razão", São Paulo, YK Editora, 2020, pp. 243-260

[2020]

The Invisible Barrier: the dichotomy public management/private management and the extra-contractual liability regimes applicable to the State: annotation to the Administrative Supreme Court Decision of April 23rd 2020, Process No. 02431/09.1BELSB (in Portuguese)

- in *Revista de Direito Administrativo*, Número Especial, Setembro '20, Carla Amado Gomes e Tiago Serrão (Coord.), AAFDL Editora", pp. 45-56

[2020] **Actio popularis in the Portuguese Administrative Courts (in Portuguese)**

- in Carla Amado Gomes; Ana F. Neves; e Tiago Serrão (coord.), "Comentários à legislação processual administrativa", Volume I, Lisboa, AAFDL Editora, 5th edition, 2020, pp. 751-778

[2020]

The scope of application of the Portuguese Administrative Procedure Code (in Portuguese)

- in Gomes, Carla Amado; Neves, Ana F.; Serrão, Tiago (coord.), "Comentários ao Código do Procedimento Administrativo", Volume I, Lisboa, AAFDL Editora, 5th edition, 2020, pp. 249-279

[2020] **Delimitation of the regulatory spectrum of social networks (in Portuguese)**

- in Nery, Nelson; Abboud, Georges; and Campos, Ricardo, "Fake News e Regulação", São Paulo, Thomson Reuters - Revista dos Tribunais, 2nd edition, 2020 p. 29-90

[2019]

Freedom of expression on the Internet" (in co-authorship with Rui Lanceiro) (in Portuguese)

- in Albuquerque, Paulo Pinto (org.), *Commentary to the European Convention on Human Rights*, Lisboa, Universidade Católica Editora, vol. II, 2019, p. 1700-1739

[2019] **Entrepreneurship and Social Investment (in Portuguese)**

https://www.icjp.pt/sites/default/files/publicacoes/files/textosicursodeconinvestsociais_compressed_2.pdf

- in Farinho, Domingos Soares & Rodrigues, Nuno Cunha, Texts from the I Advanced Course in Social Economy and Investment Law, Lisboa, AAFDL Editora, 2019, p. 53-73

[2018]

Compliance Programs of State-Owned Corporations: a Portuguese vision in the context of the European Union (in Portuguese)

- in Cueva, Ricardo Villas Bôas; e Frazão, Ana (Coord.), Compliance: perspectives and challenges of compliance programs, Belo Horizonte, Fórum, 2018, p. 233-249

[2018] **Public Foundations in Portugal (in Portuguese)**

- in Gomes, Carla Amada; Neves, Ana Fernanda; e Serrão, Tiago (coord.), Administrative Organisation: New Actors, New Models, Volume II, Lisboa, AAFDL, 2018, p. 5-56

[2018]

Centres of competence and shared structures in Public Administration: a first approach (in Portuguese)

- in Gomes, Carla Amada; Neves, Ana Fernanda; e Serrão, Tiago (coord.), Administrative Organisation: New Actors, New Models, Volume I, Lisboa, AAFDL, 2018, p. 693-712

[2018]

Better governance of public services: in praise of cross-sector departments (in Portuguese)

- in Constitution and Governance - V Portuguese-Brazilian Seminar of Law, Mendes, Gilmar Ferreira; Morais, Carlos Blanco de; e Campos, César Cunha (org.), Brasília, FGV Projetos, 2018, p. 75-92

[2018]

Accountability of the prime-minister before the president of the Republic and the substantive condition of article 195/2 of the Portuguese Constitution (in Portuguese)

- in Pinto, António Costa; e Rapaz, Paulo José Canelas (ed.), Presidents and (Semi)Presidentialism in Contemporary Societies, Lisboa, Imprensa de Ciências Sociais, 2018.

[2017]

Social and Other Specific Services: The Leopard and the Platypus between the three sectors of economic activity (in Portuguese)

- in Gomes, Carla Amado; Serrão, Tiago; e Caldeira, Marco, Commentaries on the revision of the Code of Public Contracts, Lisboa, AAFDL, 2017, 265-286

[2017]

Public procurement and innovation: a Lusophone reflection from a Portuguese perspective (in Portuguese)

- in Fonseca, Isabel Celeste (ed.), Proceedings of the II Conference on Public Procurement, Braga, Universidade do Minho, 2017

[2017]

Public policies on Alternative Dispute Resolution: from alternativity to proper selection (in Portuguese)

- in Rodrigues, Maria de Lurdes et al. (ed.), "40 years of justice policies in Portugal", Coimbra, Almedina, 2017, pp. 331-368

[2017]

Personal data processing carried out in the public interest and the General Data Protection Regulation: a first approach (in Portuguese)

- in Martins, Ana Gouveia et al. (ed.), "IX Meeting of Public Law Professors", Lisboa, Universidade Católica Editora, 2017, pp. 67-76

[2017]

Special rules in public procurement: social services and other specific services (in Portuguese)

- in Maria João Estorninho e Ana Gouveia Martins (coord.), Conference Notes - The revision of the Code of Public Contracts, Lisboa, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa, 2017, pp. 81-98

[2016]

Arbitration and Mediation in Social Impact Bonds: welcoming the future (in Portuguese)

Reference: in Arbitragem Administrativa, n.º 2, 2016, CAAD

[2016]

(Un)Safe Harbour: Commentary to the ECJ Ruling C-362/14 and its legal consequences (in Portuguese)

Reference: in Forum de Proteção de Dados, n.º 02, Janeiro 2016, p. 108-124

English version available at:

https://www.academia.edu/33981613/Commentary_on_ECJ_ruling_362_14_and_its_legal_consequences

[2015]

Global (normative) public interest and legitimacy: A comment on Gabriel Bibeau-Picard

<https://e-publica.pt/volumes/v2n3a15.html>

Reference: in e-publica Revista Eletrónica de Direito Público, n.º 6, dezembro 2015

The corporation as a social enterprise - brief prospective essay on the portuguese law (in Portuguese)

Reference: in Revista de Direito das Sociedades, Ano VII (2015), n.º 2, Coimbra, Almedina, p. 247-270

[2015]

The advantages of arbitration in the context of administrative conflict resolution mechanisms (in Portuguese)

- in Gomes, Carla Amado / Farinho, Domingos Soares/ Pedro, Ricardo (coord.) Arbitragem e Direito Público, Lisboa, AAFDL Editora, 2015, p. 485 a 502

[2015] **Public Interest and Judicial Power (in Portuguese)**

- in Repolês, Maria Fernanda Salcedo e, Dias, Maria Tereza Fonseca (org.), O Direito entre a Esfera Pública e a Autonomia Privada, Volume 2, Belo Horizonte, Brazil, Editora Fórum, 2015

[2015]

Selection of administration members appointed by the State to private foundations with minority public founders (in Portuguese)

- AAVV, Appointment of Administration Members, Lisboa, Almedina, 2015, p. 345 a 365

[2015]

The legal scope of the new Code of Administrative Procedure: returning to Ithaca (in Portuguese)

- in Gomes, Carla Amado; Neves, Ana Fernanda; e Serrão, Tiago, Commentaries on the new Code of Administrative Procedure, Lisboa, AAFDL, 2015, p. 121 a 150

[2014] **The broadening jurisdiction of administrative arbitration (in Portuguese)**

- in Gomes, Carla Amado; Neves, Ana Fernanda; e Serrão, Tiago, O anteprojecto da revisão do Código de Processo nos Tribunais Administrativos e do Estatuto dos Tribunais Administrativos e Fiscais em debate, Lisboa, AAFDL, 2014, p. 421 a 429

[2013] **Foundations and Public Interest (PhD thesis in Portuguese)**

<https://www.almedina.net/funda-es-e-interesse-p-blico-1614157404.html>

Reference: Coimbra, Almedina, 2013

[2013]

Short commentary to the application scope of the proposed revised version of the Administrative Procedure Code (in Portuguese)

Reference: in Direito&Política / Law&Politics, n.º 4, Julho-Outubro 2013, Loures, Diário de Bordo

- [2012] **Enterprises and Foundations: a more stronger union? (in Portuguese)**
Reference: in Revista de Direito das Sociedades, Ano IV (2012), n.º 4, Coimbra, Almedina, 805-825
- [2012]
Foundations as contracting authorities in public procurement (in Portuguese)
Reference: in Revista dos Contratos Públicos, n.º 4, 2012
- [2011] **Some problems of Foundations Governance (in Portuguese)**
Reference: in "Organisations Governance", Coimbra, Almedina, 2011, p. 583-670
- [2012]
A very short review of the legal framework applicable to public benefit private bodies: a foundational perspective (in Portuguese)
Reference: Estudos em homenagem ao Professor Doutor Jorge Miranda, IV Volume, Coimbra, Coimbra Editora, 2012
- [2010]
The Fundamental Right to Create a Foundation - Portugal between Spain and Germany (in Portuguese)
Reference: Estudos em homenagem ao Professor Doutor Sérvulo Correia, vol. I, Wolters Kluwer/Coimbra Editora
- [2010]
Some notes regarding the institutional model of CAAD - Administrative Arbitration Centre (in Portuguese)
Reference: in Arbitragem no Direito Público, Centro de Arbitragem Administrativo, Coimbra, Wolters Kluwer
- [2007]
Is everyone entitled to Freedom of the Press? - Annotation to a California Appellate Court Decision (in Portuguese)
Reference: in Jurisprudência Constitucional, n.º 12, Outubro-Dezembro 2007
- [2006] **Beyond Good and Evil: Public-Private Foundations (in Portuguese)**
Reference: Estudos em homenagem ao Professor Doutor Marcello Caetano, Coimbra, Coimbra Editora, 2006
- [2006] **Privacy and Media in Cyberspace (in Portuguese)**
<https://www.almedina.net/intimidade-da-vida-privada-e-media-no-ciberespao-1563794490.html>
Reference: Coimbra, Almedina, 2006

[2005]

Rules of party parliamentary candidates selection in Portugal (in Portuguese)

Reference: in Revista da FDUL, vol. XLVI - N.º 1, Coimbra, Coimbra Editora, 2005

[2005]

No man's land - Interruption and suspension of construction works in dispossessed property - Annotation to the Administrative Supreme Court Decision of 24.01.2001, P. 41 624 (in Portuguese)

Reference: in Cadernos de Justiça Administrativa, n.º 49, Janeiro/Fevereiro 2005

[2001]

The Suspension of Enforcement of Administrative Acts in Actio Popularis (in Portuguese)

Reference: in Revista da FDUL, vol. XLII - N.º 2, Coimbra, Coimbra Editora

ORGANISATIONAL SKILLS

Organisational skills

- Leadership acquired by getting to know different institutions across the private and public sectors and a will to make all the parts work as a whole.
- Strong supporter of team work
- Has planned and coordinated public sector departments, academic courses, research projects and legal teams.

COMMUNICATION AND INTERPERSONAL SKILLS

Communication and interpersonal skills

- Good communications skills gained through two decades of teaching, presenting projects and policies to different audiences and litigating at the bar
- Broad understanding of different languages
- Used to communicate to multi-language audiences across different countries.

ADDITIONAL PROFESSIONAL EXPERIENCE

Additional Professional Experience

Coordinator of the Intensive GDPR training programme at the Institute for Legal and Political Sciences at the University of Lisbon School of Law (six editions since 2018)

Fellow of Practice of the Government Outcomes Lab at the Blavatnik School of Government - Oxford University, from February 2017 to February 2017.

Chairman, from August 2016 to August 2017, of the Supervisory Board of the Association "Laboratory for Social Investment - LIS", an intermediary of impact investment created by a joint-venture of the IES - Institute for Social Entrepreneurship, the Gulbenkian Foundation and Social Finance UK.

Member of the Council of Justices of the Peace, an independent public body that supervises Justices of the Peace, since January 2016.

Scientific coordinator, between 2015 and 2018, of 2 research projects of the Lisbon Centre for Research in Public Law of the Legal-Political Sciences of the University of Lisbon School of Law: (1) "Developing an analysis and evaluation methodology of good governance models in the Public Administration" and (2) "Developing a Permanent Observatory of the Public Administration".

Member of the Portuguese Taskforce of the Global Social Impact Investment Steering Group, representing the Institute for Legal-Political Sciences of the University of Lisbon School of Law, from January 2015 onwards.

Member of CNE - National Council for Elections, an independent public body (between September 2013 and March 2016).

Head Consultant for Alternative Dispute Resolution at *BAS* law firm (between June 2013 and September 2015).

Member of the Justices of the Peace Supervisory Council (April 2008-September 2011 and from January 2016 onwards).

Arbitrator at CAAD - Administrative Arbitration Centre (since 2012).

Researcher at CIDP - Lisbon Centre for Research in Public Law - attached to the Legal-Political Sciences Institute - University of Lisbon School of Law (since its creation in March 2012).

Member of the Pedagogical Council of the University of Lisbon Law School (between 2011-2015).

Member of the ICJP - Legal-Political Sciences Institute - University of Lisbon School of Law (since 2003).

OTHER INTERESTING ENDEAVOURS

Other interesting endeavours

Member of the *Governance Lab* - <http://governancelab.org> - informal group of research and discussion of institutional governance matters (between 2008 and 2018).

Coach of the Portuguese team (University of Lisbon Law School), at the *Jessup International Moot Court 2005 Shearman & Sterling International Rounds*, in Washington.

Writer for *Cineclubite*, review of the Amarante Film Club, Portugal (2000-2002).

Writer for the University of Lisbon School of Law magazines "Lexpress" and "Inventio" and editor of the magazine "Political Ideas" (1998-2000).

[03/2020 – Current] **Barreira Invisível Podcast**

A podcast about cinema.

(<https://anchor.fm/barreirainvisivelpodcast>)

<https://popcasts.pt/podcasts/barreira-invisivel/>