

Mark Kirkby

Sócio Principal

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PERFIL

Na **SÉRVULO** desde 2004, é sócio do departamento de Público, liderando ainda a equipa de Projetos da sociedade. Licenciado e Mestre em Direito pela Faculdade de Direito da Universidade de Lisboa. É diplomado pela AESE Business School, onde frequentou o curso de Advanced Management in Energy (AMEG), um programa dirigido a gestores e executivos de alto nível que trabalham no setor da energia, desenvolvido em parceria com a Associação Portuguesa da Energia. Investigador do Centro de Investigação de Direito Público (CIDP) da Faculdade de Direito da Universidade de Lisboa. É frequentemente docente convidado para lecionar diversos temas nas áreas da contratação pública e dos contratos públicos em cursos de pós-graduação realizados nas várias Faculdades de Direito do país. Foi docente na Faculdade de Direito da Universidade de Lisboa, na licenciatura de Direito, entre 1996 e 2010. Foi adjunto, assessor jurídico e chefe de diversos gabinetes ministeriais, entre 1998 e 2004. Inscrito na Ordem dos Advogados desde 1998.

EXPERIÊNCIA RELEVANTE

Assessoria jurídica na celebração e renegociação de contratos de concessão, designadamente no âmbito de parcerias público-privadas rodoviárias e ferroviárias.

Assessoria em questões transacionais relacionadas com a formação e execução de contratos públicos e em diferentes áreas regulatórias do direito público.

Vasta experiência no domínio do contencioso e arbitragem de direito administrativo, sendo frequentemente árbitro em litígios relacionados com contratos públicos.

Elaboração de projetos legislativos para diversas entidades públicas em Portugal e noutros países de língua portuguesa.

Assessoria jurídica regular a entidades públicas e privadas em matéria de contratação pública, incluindo na preparação e apresentação de propostas pelos concorrentes e na preparação, lançamento e execução de procedimentos de contratação pública por entidades do setor público.

Prática especializada no sector da energia, assessorando entidades públicas e privadas na estruturação e desenvolvimento de projetos e operações nesta área, com particular enfoque nas energias renováveis.

Experiência na execução e coordenação de projetos em Moçambique, Cabo Verde e São Tomé e Príncipe.

EXPERTISE

- Arbitragem
- Energia
- Infraestruturas
- Media e Telecomunicações
- Público
- Transportes

RECONHECIMENTOS

Chambers Europe 2024

Energy & Natural Resources - TIER 5

Mark Kirkby has very solid experience that facilitates the negotiation of the terms of contracts.

Projects - TIER 4

He demonstrates an excellent level of professionalism and competence.

Public Law - TIER 2

Mark Kirkby has considerable experience assisting domestic and international clients from both the public and private sectors with public procurements, arbitral disputes and the amendment of concession agreements.

Chambers Europe 2023

Energy & Natural Resources - TIER 5

Mark Kirkby has a very strong level of awareness and service.

Projects - TIER 4

Mark Kirkby regularly advises on tender processes, project developments and concession agreements. He also provides advice to public sector entities on regulatory issues.

Public Law - TIER 2

Mark Kirkby is excellent at all levels.

Chambers Europe 2022

Projects - TIER 4

Mark Kirkby regularly advises on tender processes, project developments and concession agreements. Clients appreciate that 'he is accessible, he demonstrates a need to understand the client and has technical knowledge'.

Public Law - TIER 2

Mark Kirkby has considerable experience assisting domestic and international clients from the public sector with public procurements and the amendment of concession agreements. Clients say: 'He is very well prepared technically'.

Energy & Natural Resources - TIER 5

Mark Kirkby frequently advises public and private entities on the structuring and development of large-scale projects. He is regularly mandated to advise on renewable energy projects.

Chambers Europe 2021

Projects - TIER 4

Clients appreciate Mark Kirkby's 'creative ability to find the best legal solutions'. He regularly advises on tender procedures for the development of renewable energy and transport projects.

Public Law - TIER 2

Mark Kirkby has considerable experience representing clients in arbitration proceedings arising from breach of contract, as well as urban rehabilitation projects. Clients single out his 'technical knowledge and proximity to the client'.

Chambers Europe 2020

Projects - TIER 4

Clients claim that Mark Kirkby demonstrates 'availability, speed of response and technical quality'. He often supports clients in the energy and transport sectors as well as several government entities.

Public Law - TIER 2

Mark Kirkby possesses broad expertise on matters relating to energy and infrastructure projects. He is proficient in handling public tenders, contracts, training courses and litigation.

Chambers Europe 2019

Projects - TIER 4

Sources commend his 'huge experience, expertise and availability'.

Public Law - TIER 2

Clients value Mark Kirkby's 'availability, knowledge and ability to explain matters in a language which is understandable to those who aren't legal specialists'.

Chambers Europe 2018

Projects - TIER 4

[He] is praised by clients for his 'ability to solve complex problems and timely responses.'

Public Law - TIER 3

The 'very sharp' Mark Kirkby is noted for his activity in public contracts.

Chambers Europe 2017

Projects - TIER 3

[He] is noted for providing "strong knowledge and experience in the field.

Public Law - TIER 3

[He is] "a very proactive, assertive and helpful lawyer.

Chambers Europe 2016

Public Law - TIER Recommended

Mark Kirkby is commended as "a very capable lawyer in this area."

Projects - TIER Recommended

Chambers Europe 2015

Projects - TIER Recommended

Mark Kirkby is "down to earth and solution-driven," according to one client, who adds: "We trust him completely."

Public Law - TIER 3

Chambers Europe 2014

Projects - TIER Recommended

Public Law - TIER 3

[He is a] first-league lawyer; he is very business-minded and pragmatic.

Chambers Global 2024

Projects - TIER 4

He demonstrates an excellent level of professionalism and competence.

Chambers Global 2023

Projects - TIER 4

Mark Kirkby regularly advises on tender processes, project developments and concession agreements. He also provides advice to public sector entities on regulatory issues.

Chambers Global 2022

Projects - TIER 4

Mark Kirkby regularly advises on tender processes, project developments and concession agreements. He is accessible, demonstrates a need to understand the client and has technical knowledge.

Chambers Global 2021

Projects - TIER 4

Clients appreciate Mark Kirkby's 'creative ability to find the best legal solutions'. He regularly advises on tender procedures for the development of renewable energy and transport projects.

Chambers Global 2020

Projects - TIER 4

Clients claim that Mark Kirkby demonstrates 'availability, speed of response and technical quality'. He often supports clients in the energy and transport sectors as well as several government entities.

Chambers Global 2019

Projects - TIER 4

Mark Kirkby leads the team and his practice involves advising public entities on the development of aircraft and space projects. Sources commend his 'huge experience, expertise and availability'.

Chambers Global 2018

Projects - TIER 4



[He] is praised by clients for his 'ability to solve complex problems and timely responses'.

Chambers Global 2017

Projects - TIER 3

Projects co-head Mark Kirkby is noted for providing "strong knowledge and experience in the field."

Chambers Global 2016

Projects - TIER Recommended

Chambers Global 2015

Projects - TIER Recommended

Mark Kirkby is "down to earth and solution driven," according to a happy client who adds: "We trust him completely."

Chambers Global 2014

Projects - TIER Recommended

Legal 500 2024

Energy & Natural Resources - TIER Recommended

Mark is undoubtedly one of the most competent public law and regulatory lawyers in renewable energy matters. His prior assistance to the Portuguese state in the launching of solar tenders makes him one of the best people to go to to obtain certainties.

Projects & Project Finance - TIER Leading Individual

Public procurement and administrative litigation specialist Mark Kirkby is particularly adept in managing concessions and PPPs in the road and rail sectors.

Public Law - TIER Recommended

Mark Kirkby is an excellent professional, with whom we will definitely work with again.

Transport - TIER Recommended

The department is under the leadership of Mark Kirkby, whose expertise lies in advising private and public entities on concessions and PPPs in the road and rail segments.

Legal 500 2023

Energy & Natural Resources - TIER Recommended

Projects & Project Finance - TIER Leading Individual

I would recommend Mark Kirkby for the knowledge he demonstrates about the matters that are put to him, for



his availability and involvement in dealing with them and for the sense of responsibility and seriousness he conveys to us.

Public Law - TIER Recommended

Mark Kirkby co-heads the projects and energy team and has extensive experience advising public and private entities on project development.

Transport - TIER Recommended

Mark Kirkby practice covers disputes related to public contracts.

Legal 500 2022

Energy & Natural Resources - TIER Recommended

Mark Kirkby is regularly retained by private and public entities in the structuring and development of renewable energy projects.

Projects & Project Finance - TIER Leading Individual

Mark Kirkby's areas of expertise include public procurement, administrative litigation and PPPs.

Public Law - TIER Recommended

Mark Kirkby is often retained by the Portuguese government and other public entities in relation to concessions and PPPs.

Transport - TIER Recommended

Infrastructure specialist Mark Kirkby.

Legal 500 2021

Energy and Natural Resources - TIER Recommended

Mark Kirkby is recommended for his strong knowledge of the sector and public law.

Projects and Project Finance - TIER Leading Individual

Mark Kirkby is a very competent and experienced professional. The most valued is the quality of the advice provided and the efficiency in the solutions presented for decision making.

Public Law - TIER Recommended

Mark Kirkby is an expert in PPPs and concessions.

Transport - TIER Recommended

Mark Kirkby is a key point of contact in the team.

Legal 500 2020

Energy and Natural Resources - TIER Recommended

The work was always done under the careful coordination of Mark Kirkby, who demonstrated deep legal

knowledge and intelligence in finding solutions that met the client's goals.

Projects and Project Finance - TIER Leading Individual

I worked closely with Mark Kirkby and valued, above other aspects, the close relationship and permanent availability with the client; the scrupulous compliance with the stipulated deadlines and the delivery of highly specialised and multifaceted services.

Public Law - TIER Recommended

Mark Kirkby acts for the government and other public entities in relation to the preparation and negotiation of concessions and PPPs, with a particular emphasis on the transport, energy and defence sectors.

Legal 500 2019

Projects and Project Finance - TIER Recommended

Public Law - TIER Recommended

Legal 500 2018

Projects and Project Finance - TIER Recommended

Public Law - TIER Recommended

Legal 500 2017

Projects and Project Finance - TIER Recommended

Public Law - TIER Recommended

Legal 500 2016

Public Law - TIER Recommended

Projects and Project Finance - TIER Recommended

Legal 500 2015

Dispute Resolution - TIER Recommended

Projects and Project Finance - TIER Recommended

Public Law - TIER Recommended

Legal 500 2014

Project Finance - TIER Recommended

Public Law - TIER Recommended



Best Lawyers 2024

Administrative Law - TIER Recommended

Litigation - TIER Recommended

Arbitration and Mediation - TIER Recommended

Energy Law - TIER Recommended

Project Finance and Development Practice - TIER Recommended

Public Law - TIER Recommended

Best Lawyers 2023

Litigation - TIER Recommended

Administrative Law - TIER Recommended

Energy Law - TIER Recommended

Public Law - TIER Recommended

Arbitration and Mediation - TIER Recommended

Project Finance and Development Practice - TIER Recommended

Best Lawyers 2022

Litigation - TIER Recommended

Administrative Law - TIER Recommended

Energy Law - TIER Recommended

Public Law - TIER Recommended

Arbitration and Mediation - TIER Recommended

Project Finance and Development Practice - TIER Recommended

Best Lawyers 2021

Administrative Law - TIER Recommended

Public Law - TIER Recommended

Energy Law - TIER Recommended

Arbitration and Mediation - TIER Recommended

Best Lawyers 2020 Global Business Edition

Administrative Law - TIER Recommended

Arbitration and Mediation - TIER Recommended



Energy Law - TIER Recommended

Public Law - TIER Recommended

Best Lawyers 2020

Administrative Law - TIER Recommended

Arbitration and Mediation - TIER Recommended

Energy Law - TIER Recommended

Public Law - TIER Recommended

Best Lawyers 2019

Administrative Law - TIER Recommended

Public Law - TIER Recommended

Best Lawyers 2018

Public Law - TIER Recommended

Administrative Law - TIER Recommended

Best Lawyers 2017

Administrative Law - TIER Recommended

Public Law - TIER Recommended

Best Lawyers 2016

Administrative Law - TIER Recommended

Public Law - TIER Recommended

Best Lawyers 2015

Public Law - TIER Recommended

IFLR1000 2023

Project Development - TIER Highly regarded

IFLR1000 2022

Project Development - TIER Highly regarded



IFLR1000 2021

Project development - TIER Highly regarded

IFLR1000 2020

Project development - TIER Highly regarded

IFLR1000 2019

Project Development - TIER Highly regarded

IFLR1000 2018

Project Finance - TIER Highly Regarded

IFLR1000 2016

Project Finance - TIER Recommended

Who's Who Legal 2021

Government Contracts - Iberia National Leaders - TIER Recommended

Who's Who Legal 2020

Government Contracts - TIER Recommended

Who's Who Legal 2019

Government Contracts - TIER Recommended

Project Development - TIER Highly regarded

LIVROS E ARTIGOS CIENTÍFICOS

2023

Sérvulo volta a participar no report sobre Power Purchase Agreements em publicação internacional da Bird & Bird

2023 | in Bird & Bird & Corporate PPAs

2022

Mark Kirkby e Catarina Pita Soares participam no report sobre Power Purchase Agreements em publicação internacional da Bird & Bird

2022 | in Bird & Bird & Corporate PPAs

2021

Sérvulo escreve report sobre Power Purchase Agreements em publicação internacional da Bird & Bird

2021 | in Bird & Bird & Corporate PPAs

A Jurisprudência do Tribunal de Contas no âmbito das Parcerias Público-Privadas – Alguns elementos de autonomia e outros de extravagância

2021 | in Revista de Direito Administrativo #2

Os contratos de adaptação ambiental no setor dos resíduos hospitalares

2021 | in Sustentabilidade e eficiência no setor hospitalar: quão verdes podem ser os hospitais?

2017

Uma lei geral das concessões em Angola?

2017 | in Atas do II Congresso Internacional de Compras Públicas: Para um crescimento da economia assente na contratação pública sustentável, inteligente e inovadora, Edição NEDIP, pp. 383-397

Contratação Interadministrativa na Revisão do CCP/2016 - Os Contratos de Transferência ou Delegação de Poderes Públicos e os Contratos de Cooperação no Âmbito de Tarefas Públicas

2017 | in Estudos em Homenagem a Mário Esteves de Oliveira, Coimbra: Edições Almedina, pp. 521-547

2014

Revisitando o tema da contratação ambiental a propósito do direito dos resíduos

2014 | Direito dos Resíduos, ERSAR - Entidade Reguladora dos Serviços de Água e Resíduos/ Instituto de Ciências Jurídico-Políticas da Faculdade de Direito de Lisboa - coordenador científico da obra

Os mistérios em torno da possibilidade de escolha do ajuste direto quando em procedimento anterior todas as propostas tenham sido excluídas

2014 | in Revista de Contratos Públicos, n.º 10, 2014

2013

Public Contracts at the Epicenter of the Crisis: Pondering the Variable Intensity of the Competition Principle

2013 | in European Review of Public Law, Vol.25 -1/2013

A contratação pública nos setores da água e do saneamento (âmbitos subjetivo e objetivo de

aplicação do regime de contratação pública nestes setores)

2013 | in Série de Cursos Técnicos 3 - Direito da Água, ERSAR e Faculdade de Direito da Universidade de Lisboa, pp. 329-357

A contratação pública nos setores da água e do saneamento (âmbitos subjetivo e objetivo de aplicação do regime de contratação pública nestes setores)

2013 | in Direito da Água, ERSAR - Entidade Reguladora dos Serviços de Água e Resíduos/ Instituto de Ciências Jurídico-Políticas da Faculdade de Direito de Lisboa - coordenador científico da obra

2012

Actos administrativos sujeitos a procedimentos adjudicatórios de contratação pública - o artigo 1.º, n.º 3, do Código dos Contratos Públicos

2012 | in Revista de Contratos Públicos", n.º 5, pp. 167-212

2011

Contratos sobre o exercício de poderes públicos

2011 | Coimbra Editora

2010

Conceito e critérios de qualificação do contrato administrativo: um debate académico com e em homenagem ao Senhor Professor Sérvulo Correia

2010 | in Estudos em homenagem ao Prof. Doutor Sérvulo Correia, Volume II, Coimbra Editora

A contratação pública nos "sectores especiais"

2010 | in Estudos de Contratação Pública - II, Coimbra Editora, pp. 41-102

2009

Aspectos relativos à aplicabilidade objectiva e subjectiva das novas regras da contratação pública

2009 | in Revista da Faculdade de Direito da Universidade de Lisboa, Volume XLIX, N.ºs 1 e 2, Coimbra Editora

2008

O Diálogo Concorrencial

2008 | in Estudos de Contratação Pública - I, Coimbra Editora, pp. 275-326

2005

Elementos de estudo de Direito Administrativo - Exercícios práticos, testes, exames finais e jurisprudência administrativa

2005 | Associação Académica da Faculdade de Direito de Lisboa

2002

Contratos Administrativos de Subordinação (Natureza, Funções e Limites)

2002 | Assoc. Académica da Faculdade de Direito de Lisboa

2001

Os Contratos de Adaptação Ambiental - A concertação entre a Administração Pública e os particulares na aplicação de normas de polícia administrativa

2001 | Assoc. Académica da Faculdade de Direito de Lisboa