

## A. PERSONAL DATA

**Name:** PEDRO BRITO VEIGA MONIZ LOPES

**Place and Date of Birth:** Aveiro, November 16, 1981

**Nationality:** Portuguese

**Institutional address:**

1. Faculdade de Direito da Universidade de Lisboa  
Alameda da Universidade – Cidade Universitária, 1649-014 Lisboa
2. Avenida Elias Garcia, 20 – 1.º Dto. 1000-149 Lisboa

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**Ciência Vitae ID:** A211-020F-BA13

**Academia.edu:** <https://pedromonizlopes.academia.edu/>

## B. ACADEMIC QUALIFICATIONS

**01/2016.** PhD in Law from the Faculty of Law of the University of Lisbon, with a dissertation entitled "*Derrotabilidade normativa e normas administrativas*". Unanimously approved *summa cum laude* (18/20)

**10/2010.** Master's degree in legal-political sciences from the Faculty of Law of the University of Lisbon, with a dissertation entitled "*Principle of good faith and administrative decision*". Unanimously approved *summa cum laude* (18/20)

**06/2006.** Postgraduate studies in legal and administrative sciences from the Institute of Legal and Political Sciences (ICJP) of the Faculty of Law of the University of Lisbon.

**09/1999 - 07/2004.** Degree in Law (legal and political sciences) from the Faculty of Law of the University of Lisbon. Final grade of 16

## C. ACADEMIC EXPERIENCE

1. CATEGORY AND FUNCTIONS

**01/2016 - present.** Assistant Professor at the Faculty of Law of the University of Lisbon (<http://www.fd.ul.pt/Faculdade/Docentes/PedroMonizLopes.aspx>)

**01/2016 - present.** Senior researcher at the Public Law Research Center of the Faculty of Law of the University of Lisbon (<http://www.icjp.pt/cidp/investigadores/3903/1894>).

**09/2008 - present.** Lecturer at the Institute of Legal and Political Sciences of the Faculty of Law of the University of Lisbon (<https://www.icjp.pt/corpo-docente/docente/1894>).

**09/2008 - 09/2009 e 09/2010 - 01/2016.** Guest Lecturer at the Faculty of Law of the University of Lisbon

**01/2013 - 01/2016.** Associate researcher at the Public Law Research Center of the Faculty of Law of the University of Lisbon.

2. SUBJECTS TAUGHT

*Doctoral Regencies*

Introduction to Public Law

*Master's Degree Programs in Law and Legal Science*

Constitutional Law

Fundamental Rights

Scientific Research Methodology

*Master's Degree in Law and Legal Practice*

- Public Policy

- Interadministrative and Cross-Border Cooperation (Master's Degree in Law and Interiority)

*Undergraduate Regencies*

- Fundamental Rights

- Philosophy of Law

*Collaboration in practical classes (Degree)*

- Constitutional Law I and II
- Administrative Law I and II
- Fundamental Rights
- Philosophy of Law
- Administrative Law I and II
- Political Science

**D. LANGUAGES**

Language	Listening comprehension	Reading	Oral interaction	Oral production	Writing
English	C2	C2	C2	C2	C2
Castilian	C1	C2	B2	B2	B1
French	B1	B2	B1	B1	B1
Italian	B2	B2	A2	A1	A1
German	A2	A2	A2	A2	A2

Common European Framework of Reference (CEFR) level.

**E. EXTRA-ACADEMIC EXPERIENCE**

**1. PROFESSIONAL EXPERIENCE**

**06/2020 - present.** Lawyer and legal consultant in individual practice.

**09/2021 - 02/2022.** Chaired the Renegotiation Committee of the concession contract between the Portuguese State and CTT (appointed by order of the Secretary of State for Infrastructure).

**06/2022 - present.** Member of the list of Arbitrators of the Commercial Arbitration Center (Portuguese Chamber of Commerce and Industry)

**07/2019 - present.** TAD Arbitrator - Court of Arbitration for Sport (<https://www.tribunalarbitraldesporto.pt/arbitragem/lista-de-arbitros/pedro-brito-veiga-moniz-lobes>)

**07/2014 - present.** Arbitrator at CAAD - Administrative Arbitration Center  
(<http://www.caad.org.pt/content/show/id/19/s/2#topmenu>)

**07/2013 - present.** He has served as chairman or member of selection boards for tenders to recruit managers (central and municipal administration).

**06/2008 - present.** Trainer in various public and private organizations.

**01/2015 - 06/2020.** Partner at Cardigos e Associados - Sociedade de Advogados, RL (Public Law, Regulation and Competition Department)

## **2. EDITORIAL ACTIVITY AND RESEARCH CENTERS**

**12/2015 - present.** Executive Director of *e-Publica - Public Law Journal* (Lisbon Faculty of Law Public Law Research Center) (<https://e-publica.pt/editorial-board>)

**01/2020 - 06/2022.** Secretary-General of the Public Law Research Center of the Faculty of Law of the University of Lisbon

**01/2014 - 12/2015.** Deputy Executive Director of *e-Publica - Public Law Journal* (Research Center for Public Law of the Faculty of Law of the University of Lisbon)

## **3. OTHER**

- *Peer reviewer* for the journal *Materiali per una Storia della Cultura Giuridica* (Università degli Studi di Genova), since 2023.
- *Peer reviewer* for *Quaestio Facti - International Journal on Evidentiary Legal Reasoning* (Universitat Girona), since 2022.
- *Peer reviewer* for the *Nordic Journal of Human Rights* (University of Oslo), since 2020.
- *Peer reviewer* for the journal *Diritto e Questioni Pubbliche - Rivista di Filosofia del Diritto e Cultura Giuridica* (Università degli Studi di Palermo), since 2019.

- *Peer reviewer* for Revista de Direito Administrativo - Fundação Getulio Vargas Law School in Rio de Janeiro (FGV Direito Rio), since 2018.
- *Peer reviewer* for the Revista de Ciências do Estado of the Federal University of Minas Gerais, since 2018.
- *Peer reviewer* for the Lisbon University Law School Journal / Lisbon Law Review, since 2017
- Founding member of LxLTG (now LLT) - *Lisbon Legal Theory* (<https://lisbonpubliclaw.pt/lisbon-legal-theory/>), since 2015.
- Member of ATFD - Association of Theory and Philosophy of Law and Social Philosophy, since 2015.
- PhD scholarship holder from FCT - Foundation for Science and Technology, IP, from December 2012 to August 2014.

## F. SCIENTIFIC ACTIVITY

### 1. AREAS OF SCIENTIFIC ACTIVITY

Main scientific areas of research:

**Administrative Law:** administrative procedure and discretion; administrative organization; regulatory power; public procurement.

**Constitutional Law:** theory of the constitution; theory of law; principle of separation of powers; organization of political power; political systems and systems of government; constitutional justice.

**Fundamental rights:** general theory (theory of rules and principles); restrictions and proportionality; theories of weighting; human dignity; equality.

**Theory and Philosophy of Law:** analytical theory; norm theory; philosophy of language; deontic logic; meta-theory of law; philosophy of law; history of contemporary legal thought.

**Other scientific areas of interest:** Public Policy, Legislation, Regulatory Science and Regulatory Law.

### 2. SCIENTIFIC PUBLICATIONS

#### i. Theses

- *Normative defeasibility and administrative rules - the framework of regulatory rules in the theory of normative conflicts: Part I - The structure of the rule and normative defeasibility; Part II - Separation of powers, legality and normative transitivity; Part III - Regulatory rules and normative conflicts*, 2 vols.
- *Principle of good faith and administrative decision - structure and operability in the discretion conferred by enabling rules*, Coimbra, Almedina, 2011 (master's thesis).

**ii. Books**

- *Studies in the Theory of Law*, vol. II, Lisbon, AAFDL, 2023
- *Administrative Contracts and Good Faith - in particular, the relevance of conducts prior and concomitant to performance for the interpretation of administrative contracts*, Lisbon, AAFDL, 2019
- *Studies in the Theory of Law*, vol. I, Lisbon, AAFDL, 2018

**iii. Editing and coordination of collective works**

- *Hans Kelsen's thought - influences, context and current events* (Coord. P. MONIZ LOPES), Lisbon, AAFDL, 2020
- *Legal Interpretation and Scientific Knowledge*, D. DUARTE / P. MONIZ LOPES / J. SILVA SAMPAIO (Eds.), Springer, 2019
- *The Role of Legal Argumentation and Human Dignity in Constitutional Courts*, M. NOGUEIRA DE BRITO / G. DAMELE / R. HERDY / P. MONIZ LOPES / J. SAMPAIO (Eds.), Archiv für Rechts und Sozialphilosophie, Franz Steiner Verlag, 2019

**iv. International book chapters**

- *Evolutionary theory and legal adjudication: Substrata for a predictive theory of legal science* (co-author. Raquel Franco) in *Handbook on Legal Evolution* (ed. Wojciech Zaluski), Edward Elgar, 2023 (in press)
- *A few notes concerning the use of generics in law and legal science* in *Volume in Onore di Claudio Luzzati* (Eds. Francesca Poggi, Silvia Zorzetto, Francesco Ferraro), Milano (in press)
- "A "question of principle": the distinct dimension of good faith in administrative contracts" in *Contemporary Public Law - the new LINDB and the new laws on Bidding and Administrative Contracts and Administrative Improbity*, Escola Paulista de Magistratura, 2023 (available at <https://epm.tjsp.jus.br/Publicacoes/ObrasJuridica/92145>).

- *Interpretative norms and interpretative discretion: criteria for adjudicating meaning* (co-author. David Duarte) in *Interpretivism and the Limits of Law* (ed. Tomasz Gizbert-Studnicki, Francesca Poggi, Izabela Skoczeń) Elgar Studies in Legal Theory, December 2022
  - *On the validity of a global normative framework for public agencies: a legal theory's approach to Global Administrative Law* in *Governing with public agencies* (org. MAURO ZAMBONI / JANE REICHEL / MARIA GRAHN-FARLEY) Publicerad av Stiftelsen Juridisk Fakultetslitteratur, mars 2022, pp. 19-36
  - *Naturalizing interpretation: a first approach on "hardware" and "software" determinants of legal interpretation* (co-authored with R. FRANCO) IN D. DUARTE / P. MONIZ LOPES / J. SILVA SAMPAIO, *Legal Interpretation and Scientific Knowledge*, Springer, 2019, pp. 47-81.
  - *Interpretative and normative ambivalences of human dignity - rights, dignity and morality in Fleming v Ireland* in M. NOGUEIRA DE BRITO / G. DAMELE / R. HERDY / P. MONIZ LOPES / J. SAMPAIO (Eds.), *The Role of Legal Argumentation and Human Dignity in Constitutional Courts*, Archiv für Rechts und Sozialphilosophie, Franz Steiner Verlag, 2019, pp. 143-172.
  - *Normative Defeatability and Constitutional Jurisdiction in Reform of the welfare state in the context of globalization* (eds. G. FERREIRA MENDES, C. BLANCO DE MORAIS, C. CUNHA CAMPOS), FGV Projectos (et al), 2019, 266-279.
  - *Balancing principles and a fortiori reasoning*, D. DUARTE and J. SILVA SAMPAIO (Eds.), *The Principle of Proportionality in Law - an Analytical Approach*, Springer, 2018, pp. 137-157.
  - *The nature of competence norms*, M.N.S. SELLERS and S. KIRSTE (Eds.), *Encyclopedia of Philosophy of Law and Social Philosophy*, Springer (2017), [https://rd.springer.com/referenceworkentry/10.1007/978-94-007-6730-0\\_223-1](https://rd.springer.com/referenceworkentry/10.1007/978-94-007-6730-0_223-1)
  - *Legal norms as hypothetical imperatives*, M.N.S. SELLERS and S. KIRSTE (Eds.), *Encyclopedia of Philosophy of Law and Social Philosophy*, M.N.S. SELLERS and STEPHAN KIRSTE (Eds.), Springer (2017), [https://rd.springer.com/referenceworkentry/10.1007/978-94-007-6730-0\\_219-1](https://rd.springer.com/referenceworkentry/10.1007/978-94-007-6730-0_219-1)
- v. **National book chapters**
- *"A tale of charity and disappointment": the cross-reviews of H.L.A. Hart and Alf Ross in Revisiting Herbert Hart's "The Concept of Law"*, (Gonçalo Fabião, S. Azevedo, eds.), Lisbon, AAFDL, 2023 (in press)

- *Distinctions in the regulatory procedure: against a monolithic view of administrative regulations*, in *Regimes Gerais do Procedimento e da Atividade Administrativa - XIV Colóquio Luso-Espanol de Professores de Direito Administrativo*, Coimbra, Almedina, 2022, pp. 257-284.
- *Two misconceptions in Kelsen regarding normative completeness and consistency in O pensamento de Hans Kelsen - influências, contexto e actualidade* - P. MONIZ LOPES (Coord.), Lisbon, AAFDL, 2020, pp. 87-113.
- *Sources of regulatory law: from "hard law" to (alleged) "soft law"* in AA. VV., *Garantias de Direitos e Regulação - Perspectivas de Direito Administrativo*, C. AMADO GOMES, R. SARAIVA, R. PEDRO, F. MAÇÃS (Coord.), AAFDL, 2019, pp. 443-474.
- *Norms of competence of administrative tutelage* in AA. VV., *Organização administrativa: novos actores, novos modelos*, vol. II, C. AMADO GOMES, A. NEVES, T. SERRÃO (Coord.), AAFDL, 2018, pp. 755-795
- (...) *the appellant's mind and her forceful clarity "is all that Marie has left"*. *On dignity, autonomy and morality, about the case of Fleming v Ireland* in J. REIS NOVAIS / T. Fidalgo DE FREITAS (Coord.), *A Dignidade da Pessoa Humana na Justiça Constitucional*. Almedina, 2018, pp. 289-335.
- *Conflicts of interest in public procurement: a first approach* (co-authored with M. TERESA CAPELA) in AA. VV., *Comentários à Revisão do Código dos Contratos Públicos*, C. AMADO GOMES, T. SERRÃO, M. CALDEIRA, R. PEDRO (Coord.), AAFDL, 2017, pp. 437-469.
- *Commentary on Article 2 of the Preamble Decree ("Special Regimes")* in AA. VV., *O Regime de Responsabilidade Civil Extracontratual do Estado e demais Entidades Públicas: Comentários à luz da Jurisprudência*, C. AMADO GOMES, R. PEDRO, T. SERRÃO (Coord.), AAFDL, 2017, pp. 125-143.
- *Object, conditions and consequences of regulatory invalidity in the new Code of Administrative Procedure* in AA. VV., *Comentários ao Novo Código do Procedimento Administrativo*, C. AMADO GOMES, A. FERNANDA NEVES, T. SERRÃO (Coord.), AAFDL, 2015, pp. 847-879.
- *Urban illegalities and reintegration measures: some questions regarding the procedural dichotomy between licensing and prior communication*, in AAVV, *A Revisão do Regime Jurídico da Urbanização e da Edificação*, Almedina, 2015, pp. 205-225.
- *Licensing of waste treatment operations, margin of free administrative discretion and precariousness of the final act*, in AA. VV., *Direito dos Resíduos*, Lisbon, ERSAR/FDUL, 2014, pp. 107-129.

- *On judgments of qualitative partial unconstitutionality: constitutional statements of preference* in *As sentenças intermédia da justiça constitucional*, coord. C. BLANCO DE MORAIS, Lisbon, AAFDL, 2009, pp. 477-577.

**vi. Articles in international journals with scientific arbitration**

- *Relevance and Equality: an Analytical Account*, in *The Journal of Contemporary Legal Issues* (University of San Diego), 2022, pp. 331-382.
- *The expression of norms as a speech act: assessing the explanatory power of theories of interpretation* (co-author. David Duarte) in *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, Springer, 2022, volume 36, no. 2, 599-628
- *The syntax of principles: genericity as a logical distinction between rules and principles* in *Ratio Juris*, vol. 30, issue 4, 2017, pp. 471-490.
- *Implicazioni derivanti dalla genericità nella (in)coerenza e nella (in)completezza dei sistemi giuridici* in *Diritto & Questione Pubbliche* | XVII, 2017 / 1 (giugno) | pp. 275-327.
- *Principles as deontic inductions: inductive prediction, the informational deficit and conditional defeasibility in legal principles*, *Revista Nomos*, issue 1011.1, Faculdade de Direito da Universidade Federal do Ceará, Brazil (2011), pp. 197-235.

**vii. Articles in national magazines**

- *"Type 1 errors" and "type 2 errors": risks, uncertainty, discretion and coherence in pandemic restrictions* in *CJA*, no. 144, 2022, pp. 12-29
- *Implications of genericity on the (in)consistency and (in)completeness of legal systems* in *Jus Dictum*, no. 8, 2022, pp. 25-54.
- *Nudging as a tool: The case of the transposition of EU directives* (co-author. Raquel Franco, Jorge Silva Sampaio) in *e-Pública: Revista Eletrónica de Direito Público*, Vol. 8, no. 2, (2021), pp. 4-20.
- *Freedom of expression in the sports context: Methodological considerations* (co-author. Sara Azevedo) in *e-Pública: Revista Eletrónica de Direito Público*, Vol. 8, no. 1, (2021), pp. 134-171.
- *Meaning and scope of the "suspension" of the exercise of fundamental rights in the declaration of a state of emergency* in *e-Pública: Revista Eletrónica de Direito Público*, vol. 7, no. 1, April, 2020, pp. 118-152.
- *In defense of the admissibility of the reservation of revocation of the decision to contract* in *Revista dos Contratos Públicos*, no. 23, 2020, pp. 83-133.

- *Realist constitutional weighting: theoretical presuppositions in the interpretation of constitutional concepts and the problem of the epistemic dimension in weighting* in *Jus Dictum*, no. 2, 2020 , pp. 23-37.
- *Are we positive about positive law in a global sphere? A comment on Edouard Fromageau's "the Concept of Positive Law in Global Administrative Law"* in *e-Pública: Electronic Journal of Public Law*, Vol 2, No 3, (2015)
- *The substantive regime of regulations in the draft revision of the Code of Administrative Procedure: some structuring considerations* in *e-Pública: Electronic Journal of Public Law*, Vol. 1, No. 1, (2014)
- *Juggling insolvency and international arbitration - a case study* (co-author. Maria Almeida Fernandes; Porfírio Moreira; Pedro Cardigos) in *Young Arbitration Review Edition*, Edition 9, April 2013, pp. 21-23.
- *The legal value of jurisprudential decision rules*, *O Direito*, 140, n.º 3, (2008), pp. 645-695.

**viii. Other publications**

- *A Restatement of the Theory of Fundamental Rights - From the German and US Comparative Viewpoints* (co-author. Tiago Fidalgo de Freitas) in *Estudos em homenagem ao Prof. Doutor Fernando Alves Correia*", 2023 (in press)
- *The lack of competition on technical grounds in Cape Verde's Public Procurement Code* (in press);
- *Notes on the assessment of the unconstitutionality of regulations by administrative courts in Direct, indirect or incidental challenge and regulatory omissions*, Center for Judicial Studies, 2020, *e-book*.
- *The declaration of illegality by omission of urban plans* in *Litigation of urban plans: administrative and tax jurisdiction*, Centro de Estudos Judiciários, October 2018, *e-book*, pp. 25-65.
- *Separation of powers, reservation of administrative function and normative allocation between legislative and regulatory acts* in AA. VV., *X Encontro de Professores de Direito Público* (Coord. A. GOUVEIA MARTINS, A. LEÃO, B. MAC CRORIE, P. FRAGOSO MARTINS), *e-book* ICJP-CIDP, 2017 ([https://www.icjp.pt/sites/default/files/publicacoes/files/e-book\\_x\\_encontroprofdirpub\\_0.pdf](https://www.icjp.pt/sites/default/files/publicacoes/files/e-book_x_encontroprofdirpub_0.pdf)), pp. 33-83.
- *Administrative Law I - Practical Guide, Case Law and Exams* co-authored with M.<sup>a</sup> JOÃO ESTORNINHO, S. LOPES LUÍS and J. PAÇÃO, Lisbon, AAFDL, 2016.

- *Balancing in the revocation of invalid administrative acts, in Estudos em homenagem ao Professor Doutor Jorge Miranda, IV*, Coimbra, Coimbra Editora, 2012, pp. 769-795.

### 3. RESEARCH STAYS

- Jagiellonian University Krakow (Guest Prof.), April 2023
- Universitat Girona (Visiting Professor), September 2022

Lisbon, January 2024