

Pérez-Llorca



Rafael Fernández

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Practices and Sectors

- Insurance and Reinsurance

Profile

Rafael Fernández is Partner of Pérez-Llorca's Insurance and Reinsurance practice area. Prior to this, Rafael worked in the Insurance and Reinsurance areas in two highly prestigious international firms, in the legal department of the World Bank's Multilateral Investment Guarantee Agency in Washington DC and as Vice President, Legal Counsel at the head office of the reinsurer Swiss Re Europe in Luxembourg.

Studies:

- 2016 Master's degree in Law, with honours, Georgetown University Law Center
- 2012 Degree in Business Administration, Universidad Complutense de Madrid
- 2009 Degree in Law, Universidad Complutense de Madrid

He speaks Spanish and English.

Experience

Rafael has over 14 years of experience providing legal advice to entities from the insurance sector. In the commercial field, Rafael has been involved in some of the most significant transactions in the Spanish insurance sector, including the sale and purchase of large insurance companies and cross-border portfolio transfers. He also has expertise in all types of transactional risk insurance, including support for W&I

underwriting, contingent insurance risks and claims handling.

From a regulatory point of view, Rafael has provided advice on insurance distribution, on the commencement of activities in the provision of services in Spain, as well as on the representation and assistance of insurance companies in inspection proceedings initiated by the Spanish Directorate-General for Insurance and Pension Funds. In the litigious field, Rafael has taken part in various civil liability claims (D&O, professional, product liability and warranty), major claims, bancassurance alliance ruptures, coverage dispute resolution and recovery actions. Rafael has also worked as Secretary and Vice-Secretary for insurance entities, both in Spain and Luxembourg, where he ran the secretariat and provided advice related to corporate governance to Boards of Directors and Delegate Committees (including the Audit and Management Committees) of national and international entities.

In terms of international experience, Rafael has been part of the Multilateral Investment Guarantee Agency (MIGA)'s legal team, where he was involved in insurance against political risks and guarantees against losses from non-commercial risks, as well as Vice President, Legal Counsel at the head office of the insurance firm Swiss Re Europe in Luxembourg.

Academic and publishing collaborations

Rafael has been a professor of Commercial and Business Law at IE Law School since 2018, having also taught the seminar on Legal Writing and General Legal Concepts for the Legal Clinic at IE Law School.

Additionally, he has published a large number of articles and works related to the insurance sector, including:

- “Directors’ and Officers’ Liability Insurance (Spain), Practical Law UK Articles w-029-8356” Thomson Reuters (August 2024).
- “*EIOPA y la DGSFP advierten sobre malas prácticas y riesgos de conducta en la distribución de seguros de protección crediticia*”; Actualidad Jurídica Aranzadi (January 2023).
- “*Impacto de la Web3 en el sector asegurador*”; Pérez-Llorca Legal Journal no. 8 (December 2022).
- “*Los tratamientos singulares de datos personales por parte de entidades aseguradoras, sus distribuidores y agencias de suscripción*”; Pérez-Llorca Legal Journal no. 6 (December 2021).
- “Directors and Officers’ Liability Insurance (Spain)”, Thomson Reuters (July 2021).
- “The rules on the training of insurance and reinsurance distributors are finalised: the resolution of the DGSFP enters into force.”; Pérez-Llorca Legal Briefing (June 2021).
- Coordinator of the book “*Principales novedades normativas y jurisprudenciales en el sector asegurador 2021*”; Thomson Reuters Aranzadi (May 2021)
- “Engagement policy and investment strategy of life insurance and reinsurance companies regarding listed companies following the publication of RD 288/2021”; Pérez-Llorca Legal Briefing (May 2021)
- “*Notas sobre la nueva normativa de formación de los distribuidores de seguros y reaseguros*”; Inese (April 2021).
- “Insurance and Reinsurance in Spain: Overview; Practical Law Guide 2017”; Thomson Reuters (December 2017).
- “*El canal de bancaseguros conforme a los criterios de la DGSFP*”; Revista Española del Seguro no. 148 (June 2011).

Professional organisations

The Madrid Bar Association (ICAM).

Senior Vice Chair Officer of the Insurance Committee of the IBA (International Bar Association).

Officer for Institutional Relations and Member of the Board of Directors of the Association of Young Insurance Professionals (AJPS).

The Spanish Branch of the International Association of Insurance Law (SEAIDA).

Member of the Insurance Working Group of the Madrid International Arbitration Centre (CIAM).

Recognition

- Chambers Europe: Insurance (Up and Coming) 2023.
- 'Next Generation Lawyer', Legal 500 EMEA for the area of 'Insurance Law' (2018; 2019).

Awards

- Nominated for Best Insurance Lawyer in Spain and Portugal by Iberian Lawyer's Forty under 40 (2021; 2022; 2023).
- INESE: 40under40 for the insurance sector 2022.
- IE Award for teaching excellence in Commercial Law and Corporations (2019; 2022).