

## 27442 - Economic Public Law

### Syllabus Information

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**Academic Year:** 2019/20

**Subject:** 27442 - Economic Public Law

**Faculty / School:** 109 - Facultad de Economía y Empresa

**Degree:** 417 - Degree in Economics

**ECTS:** 5.0

**Year:** 4

**Semester:** First semester

**Subject Type:** Optional

**Module:** ---

### 1.General information

#### 1.1.Aims of the course

#### 1.2.Context and importance of this course in the degree

#### 1.3.Recommendations to take this course

### 2.Learning goals

#### 2.1.Competences

#### 2.2.Learning goals

#### 2.3.Importance of learning goals

### 3.Assessment (1st and 2nd call)

#### 3.1.Assessment tasks (description of tasks, marking system and assessment criteria)

### 4.Methodology, learning tasks, syllabus and resources

#### 4.1.Methodological overview

The subject of Economical Public Law has a theoretical and a practical dimension. Our methodology combines, on the one hand, the classroom system (with theoretical and based on the model of cases practical lessons, discussion of students, work with electronic resources, reading doctrine and occasionally jurisprudence and other planned activities) and, secondly, the system of autonomous student work that takes place outside the classroom.

Although not easy not should, of course, give up the memory as a way to learn, a responsible student preparation is achieved with reading and comprehension, with the search for the *raison d'etre* of institutions and legal rules dealing with transcribing. This methodology is practiced and cultivated.

#### 4.2.Learning tasks

a Transmission of theoretical knowledge based on the teacher's classes. Such classes provide the student with a first theoretical contact with the concepts and basic knowledge of the subject that will allow subsequently a more efficient staff work and a better understanding of the subject, may enable him to a clearer identification of problems and to try to design paths legal solution to them.

b. Troubleshooting and cases: training activities in which students, supervised by teachers, perform practical work, including analysis of case studies, the jurisprudential analysis, analysis of regulatory provisions, and search and analysis of selected literature sources recommended by professor

One of the methodologies used will be the case, with the aim of promoting the engagement of students in the classroom and facilitate thus develop their ability to identify and analyze legal problems, and develop their critical sense and knack for oral exposure. The student becomes familiar with the use of own legal técnico--language of the subject.

Within these activities the possibility that the teacher proposes, among the scheduled activities, seminars of different content is also contemplated: that may include active participation in the debate, moderated by the teacher, on the issues raised in the readings carried out by the student; or may consist of a read control to assessing the understanding of matter, or analysis of jurisprudence.

Clearly, the face should be rhythmic activity with independent learning and personal work (distance learning in the classroom), essential for learning. Academic calendars of each group may include activities directed reading and study of bibliographical material recommended, topical analysis or research and analysis of case law or administrative material.

### 4.3.Syllabus

#### I. THE LEGAL FRAMEWORK OF THE ADMINISTRATION AND ITS RELATIONS WITH CITIZENS

Lesson 1. Administration and Constitution. The social and democratic state of law and its implications. The territorial pluralism: the autonomous State. Fundamental rights. The constitutional principles of the organization and activity of public administrations.

Lesson 2. Public Administrations in Spain. The principles of administrative organization. Typology of Public Administration. The General Administration of the State. Administration of the Autonomous Communities. Local Administration. Instrumental public entities. Administrations and independent regulatory agencies. The ongoing reforms.

Lesson 3. Administrative activity (I). The general principles of administrative action and the position of the citizen. The administrative procedure. The administrative act: concept and classes. Validity and effectiveness requirements. Enforcement of acts. The review and revocation of acts.

Lesson. 4. Administrative activity (II). The main forms of administrative action. Regulatory power. The public procurement regime. The system of public subsidies. The sanctioning power of the Administration. The assets of the government and management.

Lesson 5. The guarantees of citizens against administrative action. The financial guarantee: expropriation and liability of the Administration. The judicial review of administrative action. The guarantees of constitutional rights.

#### II. FUNDAMENTALS OF ECONOMIC PUBLIC LAW

Lesson 6. Introduction. State intervention in economic activity: historical development and current situation Economic public law and its characters. Globalization and economy: the structures and institutions of economic globalization. Concerning international economic public law.

Lesson 7. The EU framework of economic public law. The single market and its institutions. Economic freedoms in the European Union. Economic and Monetary Union and economic governance in the Eurozone.

Lesson 8. Spanish Constitution and economic model (I). Free enterprise, private property and market economy. Economic public initiative and public sector reserve resources or essential services. The social state and its implications. Budgetary discipline of public administration.

Lesson 9. Spanish Constitution and economic model (II). territorial autonomies and economic unit. The distribution of powers between the State and the Autonomous Communities in the economic sphere. The space of local authorities. Principles and instruments at the service of the realization of market unity throughout the national territory.

#### III. ECONOMIC ADMINISTRATION

Lesson 10. Territorial Administrations with economic powers. The Government and the Central Government. The regional administrations. Municipalities and other local entities.

Lesson 11. Other Administrations in the economic sphere. The supervisory bodies of the economic environment configured as independent authorities. General aspects and Organizations common characteristics no independent monitors. management entities in specific sectors: instrumental in the field of economic management public entities.

#### IV. FORMS AND METHODS OF ACTION FOR ECONOMIC ADMINISTRATION

Lesson 12. The overall picture of the forms of action. The regulation of activities and ways of monitoring compliance. Administrative authorizations

Lesson 12. The overall picture of the forms of action. The regulation of activities and ways of monitoring compliance. Administrative authorizations and other forms of preventive control. Inspection and

administrative supervision of economic activities. The exercise of sanctioning powers. The forms of extraordinary performance. The intervention of companies. public aid, restructuring and resolution of institutions in the financial sector.

Lesson 13. Public intervention in the proper functioning of markets. The meaning of free competition between economic operators and their basic rules. Functions of the Community institutions and the CNMC: contrary to free competition behaviors and control over the same. Control of business concentrations.

Lesson 14. Development techniques in the economic sphere. Concept and modalities of development actions. The system of public subsidies. Other ways of promoting economic activity. Free competition and promoting action. The EU framework for state aids.

Lesson 15. Public economic services and services of general interest. The public service in Spain and its various forms of management. The public service in a context of free competition: services of general economic interest in the European Union. General characteristics and main assumptions.

Lesson 16. The exercise of entrepreneurial activity by the public administration: the public economic sector. Historical evolution and current reality of the public company in Spain. Nationalizations and privatizations. The EU framework for the public company. Legal forms of public enterprises in Spain. Legal status and control them. state, regional and local level.

#### 4.4. Course planning and calendar

##### Weekly Activity

1st week Introduction and theoretical teaching

Theoretical teaching 2nd week

Theoretical teaching 3rd week

Theoretical teaching 4th week

5th week theoretical and practical teaching

6th week theoretical and practical teaching

7th week theoretical and practical teaching

8th week theoretical and practical teaching

9th week theoretical and practical teaching

10th week theoretical and practical teaching

11th week theoretical and practical teaching

12th week theoretical and practical teaching

Week 13 Teaching practice

Teaching practice 14th week

Teaching practice 15th week

Exam

#### 4.5. Bibliography and recommended resources

- ARIÑO ORTIZ, G., *Principios constitucionales de la libertad de empresa*, Marcial Pons, Madrid, 1995.
- ARIÑO ORTIZ, G., *Principios de Derecho Público Económico. Modelo de Estado, Gestión Pública, Regulación Económica*, Comares, Granada, 1999
- BERMEJO VERA, J. (DIR.): *Derecho Administrativo. Parte especial*, 7ª ed., Thomson-Civitas, Madrid, 2009.
- BETANCOR, A., *Regulación: Mito y Derecho*, Civitas y Thomson-Reuters, Cizur, Menor, 2010.
- BURZACO SAMPER, M., O. SAENZ DE SANTAMARIÁ, *El sector público económico de ámbito estatal: su régimen jurídico y realidad actual*, Dykinson, Madrid, 2013.
- CANO CAMPOS, T. (dir.), *Lecciones y materiales para el estudio del Derecho Administrativo*, Tomo V, *Bienes e Infraestructuras públicas*, Tomo VII, *Servicios públicos*. Tomo VIII, *Los sectores regulados*, Volúmenes I y II, Iustel, Madrid, 2009.
- CIRIANO VELA, C., *Administración Económica y discrecionalidad (Un análisis normativo y jurisprudencial)*, Lex Nova, Valladolid, 2000.
- COSCULLUELA MONTANER L.; LÓPEZ BENÍTEZ, M.: *Derecho Público Económico*, 4ª ed., Iustel, Madrid, 2011.
- DE LA CRUZ FERRER, J., *Principios de regulación económica en la Unión Europea*, Instituto de Estudios Económicos, Madrid, 2001.
- EMBID IRUJO, A., *El Derecho de la crisis económica*, Universidad de Zaragoza, 2009; *El Derecho público de la crisis económica*, en el vol. col. coordinado por A. Blasco Esteve que recoge las Actas del VI Congreso de la Asociación Española de Profesores de Derecho Administrativo, INAP, Madrid, 2011.

- EMBID IRUJO, A., *La constitucionalización de la crisis económica*, Iustel, Madrid, 2012.
- GONZÁLEZ SANFIEL. A. M. (Dir.): *El Derecho ante la crisis: nuevas reglas de juego*, Atelier, Barcelona, 2013.
- MUÑOZ MACHADO, S., *Servicio Público y mercado, I. Los Fundamentos*, Civitas, Madrid, 1998.
- MUÑOZ MACHADO, S., J. ESTEVE PARDO (Directores), *Derecho de la regulación económica, vol. I: Fundamentos e instituciones de la regulación, vol. II: Mercado de valores, vol. III, tomo 1: Sector energético, vol. III, tomo 2: Sector energético, vol. IV: Telecomunicaciones, vol. V: Audiovisual, vol. VI: Transportes, Vol VII: Industria, Vol VIII: Comercio Exterior, Vol IX: Comercio interior, vol X: Sistema bancario*, Ed. Iustel, 2010-13.
- MARTÍN RETORTILLO, S. *Derecho Administrativo Económico, I*, La Ley, Madrid, 1988.
- MARTÍN-RETORTILLO, S (dir.), *Derecho Administrativo Económico, II*, La Ley Madrid, 1991.
- MONTERO PASCUAL, J.J., *Regulación económica. La actividad administrativa de regulación de los mercados*, Tirant Lo Blanc, Valencia, 2014
- PAREJO ALFONSO, L. *Lecciones de Derecho Administrativo. Orden económico y sectores de referencia*, Tirant lo Blanch, Valencia, 2012.
- PEMÁN GAVÍN, J. M<sup>a</sup>, *Crisis económica y cambios institucionales en España y en Europa. Algunas reflexiones en torno a la crisis y las enseñanzas derivadas de la misma*, de próxima publicación en el libro colectivo *Crisis económica y Derecho Administrativo. Una visión general y sectorial de las reformas*,
- RIVERO ORTEGA, R., *Introducción al Derecho administrativo económico*, 3<sup>a</sup> ed., ed. Ratio Legis, Salamanca, 2005,
- RIVERO ORTEGA, R., *Derecho administrativo económico*, 6<sup>a</sup> ed. Marcial Pons, Madrid, 2013.