

Academic Year: (2019 / 2020)

Review date: 07-05-2020

Department assigned to the subject: Public State Law Department

Coordinating teacher: VIDA FERNANDEZ, JOSE

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

OBJECTIVES

BASIC SKILLS

CB6 Possess and acquire knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.

CB7 Make the students able to apply the knowledge acquired, and their ability to solve problems in environments that are new or little known within broader contexts (or multidisciplinary) related to their field of study.

CB8 Make the students able to integrate knowledge and face the complexity of exercising judgment from information that, being incomplete or limited, includes reflections over the social and ethical responsibilities linked to the application of their knowledge and judgments.

CB9 Make the students capable to communicate their conclusions and the knowledge and ultimate reasons that support those conclusions, to a public that may be specialized or non-specialized in a clear and unambiguous manner.

CB10 Make the students possess the learning skills that allow them to continue studying in a way that will, to a great extent, have to be self-directed and autonomous.

GENERAL SKILLS

CG1 Understand the multidisciplinary nature of the legal order and the necessarily interdisciplinary approach to legal problems, especially from an international perspective.

CG2 To integrate, manage, identify, organize and analyze information of a legal nature.

CG3 To formulate critical judgments, evaluate them, and communicate their conclusions in a clear and orderly manner.

CG4 To evaluate the development of personal and collective actions, identifying rigorous and well-finished work, as well as mistakes, making arguments, and proposing alternative solutions to improve processes and outcomes.

CG5 To acknowledge the growing importance of teamwork and show initiative, creativity and sense of responsibility, maintaining a lively interest during the whole process.

CG6 To adapt and blend into different working groups, keeping fluid relationships and communication, respecting ideas and solutions proposed by others with an attitude of cooperation and tolerance, sharing responsibilities and issuing and receiving instructions.

CG7 To develop professional works in interdisciplinary and international teams, with the ability to integrate diverse contributions in diverse and multicultural legal environments, all towards a common goal.

CG8 To acquire an adequate and correct attitude at an international level, especially in the context of legal compliance and the management of conflicts of interest in the negotiation of contracts and their performance, as well as in the dispute resolution stage.

CG9 Ability to understand the advisory role in the broader transnational environment.

CG10 Ability to apply in new and multidisciplinary environments the concepts, principles, theories or models related to the globalization and internationalization of the law.

LEARNING RESULTS

After taking this course the student will be able to:

-Acquire a comprehensive view of the more relevant transactions in international legal practice, which will encompass the corporate and contractual perspective, as well as the regulatory one.

-Know the more usual proceedings in an international environment, both judicial as well as arbitral, as well as their different stages and requirements.

- Be able to draft procedural briefs and documents corresponding to judicial and arbitral proceedings at an international level.
- To know how to evaluate the risks and to plan the strategies that arise in international negotiation or mediation with the goal of reaching an agreement between the parties involved.
- To know and explain the main human and fundamental rights and their protection in the main international instruments.
- To know the main legal situations and issues that arise in the transnational mobility of workers, persons and citizens, as well as those arising from family and succession law at an international level.
- To put in practice the essential elements of international advocacy in a way sensitive to the different substantive areas where transnational practice takes place.

DESCRIPTION OF CONTENTS: PROGRAMME

1. Introduction to Sector-Specific Transactions: Identifying critical regulatory issues involving transnational transactions in the European Union.
2. Critical issues regarding economic activities in the European Union: Activity permissions (industrial, services and regulated sectors) and industrial security requirements.
3. Transaction regulatory requirements in the electricity sector (I): From the origins to the present regulatory framework.
4. Transaction regulatory requirements in the electricity sector (II): investment projects in the renewable energy field.
5. Critical issues regarding the fixed assets involved in the transaction: Urban planning requirements.
6. Case study. Regulatory Risk.
7. Critical issues regarding environmental requirements in the European Union (I): General requirements.
8. Critical issues regarding environmental requirements in the European Union (II): Requirements for specific activities.
9. Critical issues regarding data protection.
10. Public procurement in the European Union (I): A brief overview of the public contracts regulation.
11. Public procurement in the European Union (II): Public contracts in infrastructures and public services.
12. Case Study: Making a regulatory compliance checklist in a specific operation.

LEARNING ACTIVITIES AND METHODOLOGY

1. Lectures. Study materials and recommended bibliography will be posted online through Aula Global prior to the lecture. For this reason, students are expected to download the corresponding material for each lesson and to carry out a detailed reading ahead of its explanation. Key points of every lesson will be explained in weekly lectures of 1 hour and 30 minutes time. The dynamic of lectures will be highly feedback-oriented, and students are expected to make questions about the specific issues and legal terms raised in every lesson. For these reasons, students will have to prepare in advanced, and with a certain degree of previous reading and comprehension, the teaching materials posted in Aula Global. The schedule of these sessions will be as follows: the first 50 minutes of each lecture will be oriented to go into the key points of every lesson: main institutions, sources of law, legislation and legal principles, and so on. Also, in this part of the session it will be commented legal concepts to be used in every lesson in order that students become familiar with legal framework. The remaining time will be focused on the specific questions raised by students and related to the corresponding lesson. This student's participation will be taken into account in their final assessment.
2. Discussion Groups. Scheduled activities to be carried out during the course will be: Case Study 1 Regulatory Risk and Case Study 2 Compliance Regulatory Checklist. The methodology of both case study will necessarily include: a) Identification of legal facts, institutions and parties; b) Providing a legal solution.
3. Final exam. Final exam will consist in a multiple-choice test and case-study short question

ASSESSMENT SYSTEM

The final grade of this Course will be the result of adding up the grade of the activities carried out along the course (ongoing evaluation) that worth 60 percent, and the grade obtained in the final exam, which worth the remaining 40 percent.

Ongoing evaluation (60 percent) will be based in two case-study that will be prepared in groups and the student performance in classes. The average of grades of these two case-study worth 40 percent of the final grade. Questions and comments of the student along the classes worth 20 percent of the final grade.

Final exam will consist in a four alternatives multiple-choice test (20 questions, -0,15 each incorrect answers, no answers are neutral) and 4 short case-study short questions (bibliography and other

materials can be used in this case). Final exam worth 40 percent of the final grade (multiple choice test 20 percent and case study short questions 20 percent).

If the grade of the final exam is higher than the rest of the grades, this will be considered the final grade of the course. In any case, to pass the course a final exam mark of 4 or more will be required

The master in International advocacy is a master's degree that is taught in person. Therefore, students are required to attend all the theoretical and practical classes that the master has programmed. A student may only be absent for no reason from a maximum of 15 per cent of the classroom hours (i.e. not the sessions or days) in each subject. In case of excused absences, the total maximum will be 25%. If the student hold an absence greater than those indicated, a "0" will be computed on the continuous evaluation rating. Likewise, the absences lower than those percentages may be taken into account when it comes to modulate downward the qualification of the continuous evaluation, especially if it includes a participation note.

In the extraordinary call the weight will be: Final examination: 60% and continuous evaluation: 40%.

% end-of-term-examination:	40
% of continuous assessment (assignments, laboratory, practicals...):	60

BASIC BIBLIOGRAPHY

- Arrowsmith, Sue EU Public Procurement Law: An Introduction, <https://www.nottingham.ac.uk/pprg/documentsarchive/asialinkmaterials/eupublicprocurementlawintroduction.pdf>, 2018
- European Commission Fact Sheet: Stronger Data Protection Rules for Europe , http://europa.eu/rapid/press-release_MEMO-15-5170_en.htm, 2017
- FERNÁNDEZ RODRÍGUEZ, Tomás Ramón Manual de Derecho urbanístico, 25ª ed, , Civitas-Thomson-Reuters, 2017
- JANS, Jan European Environmental Law, after Lisbon, Europa Law Publishing, 2011
- OSBORNE CLARKE General Data Protection Regulation, <http://www.osborneclarke.com/insights/feature/general-data-protection-regulation-gdpr/>, 2018
- PAREJO ALFONSO, Luciano Lecciones de Derecho Administrativo, Orden económico y sectores de referencia, 6ª edición, Tirant lo Blanch, 2015

BASIC ELECTRONIC RESOURCES

- Bird & Bird . Guide to the General Data Protection Regulation : https://www.twobirds.com/~media/pdfs/gdpr-pdfs/bird--bird--guide-to-the-general-data-protection-regulation.pdf?la=en
- European Commission . Public procurement: https://ec.europa.eu/growth/single-market/public-procurement_es
- European Court of Auditors . Special report 09/2018: Public Private Partnerships in the EU: Widespread shortcomings and limited benefits : <https://www.eca.europa.eu/en/Pages/NewsItem.aspx?nid=9700>