

Academic Year: (2020 / 2021)

Review date: 10-07-2020

Department assigned to the subject: Public State Law Department

Coordinating teacher: MORENO MOLINA, ANGEL MANUEL

Type: Compulsory ECTS Credits : 5.0

Year : 3 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Basics of Spanish Administrative Law.

OBJECTIVES

To identify and to apply the rules and principles governing the organization and the activity of the governmental agencies in Spain, as well as the judicial control of administrative action

DESCRIPTION OF CONTENTS: PROGRAMME

I. THE ORGANIZATION OF PUBLIC ADMINISTRATION

Unit 1. The organisation of Government and the Law.

- 1.1. The administrative organization: general Theory. Constitution and administrative organization.
- 1.2. The legal power of self-organisation.
- 1.3. General panorama of the administrative organization.
- 1.4. Organizations with personality, administrative organs and administrative units.

Unit 2. The competence

- 2.1. Concept and types of administrative competence
- 2.2 Attribution and discharge of competences: techniques for the the modification re-allocation of competences
- 2.3. Mechanisms for the solution of conflicts of competence
- 2.4. Inter-administrative and interorganic relations within the governmental structure

Unit 3. The General State Administration and the Cabinet. The executive power at the regional level autonómicas

- 3.1. The General State Administration: organizational model; organs, bodies and internal structures. Central and territorial bodies
- 3.2.- The regional governments and the regional public administrations
- 3.4. - The organisation of the regional publica administration.

Unit 4. The Local authorities

- 4.1. The local self-government: concept and implications
- 4.2. The legal regime of the Local authorities
- 4.3. The municipality (I): elements and organization.
- 4.4. The municipality (II): competences and functioning.
- 4.5. The Province: organization and competences.
- 4.6. Other local entities.

Unit 5. Public bodies

- 5.1. Origin, evolution and structure of the instrumental Administration.
- 5.2. The instrumental State Administration: autonomous establishments, public agencies and other bodies.
- 5.3. Independent bodies and regulatory agencies

II. THE ACTIVITY OF PUBLIC ADMINISTRATION

Unit 6. The administrative procedure (I):

- 6.1. Concept, legal regime and elements of the administrative procedure
- 6.2. The rights and duties of the citizens in his relations with Public Administration

Unit 7. The administrative procedure (II):

- 7.1. The different steps in the administrative procedure
- 7.2. The legal obligation to adjudicate and the administrative silence
- 7.3. The time-length of the procedures
- 7.4. Tacit administrative decisions

Unit 8. The administrative decisions (I)

- 8.1.- The concept of administrative decisions
- 8.2.- Types of administrative decisions
- 8.3.- The elements of administrative decisions

Unit 9. The administrative decisions (II)

- 9.1.- The validity of administrative decisions
- 9.2.- The implementation and enforcement of administrative decisions

Lección 10. The internal controls of Administrative action

- 9.1.- The "ex officio" revision of administrative decisions
- 9.2.- Administrative appeals

III. EL CONTROL EXTERNO DE LA ACTUACIÓN ADMINISTRATIVA

Unit 11. Judicial Control of Administrative Action (I)

- 11.1.- General introduction to the judicial control of government
- 11.2.- The Administrative courts: structure, competences and powers
- 11.3.- Types of governmental activities that can be controlled by the courts
- 11.4.- The grounds to challenge governmental action and the petitions that may be asked by the citizen

Unit 12. Judicial Control of Administrative Action (II)

- 12.1.- The regular administrative court proceedings
- 12.2.- Special court proceedings
- 12.3.- Appeals against first-instance rulings

LEARNING ACTIVITIES AND METHODOLOGY

The learning process is based on a practice-oriented education. Therefore, regular lectures will be supplemented with in-class analysis and discussion of cases and materials, which will facilitate the understanding and application of the legal concepts. Therefore, the teaching activities are divided into "lecture type" sessions (for the whole group) and case-oriented sessions or discussion groups (in small rooms). The activities carried out in small groups are subject to the ¿on-going¿ or continuing evaluation during the course.

1. In the lecturing sessions, the professor will present the main concepts and ideas, pertaining to each of the units or lessons in which the syllabus is divided.
2. Case-oriented sessions will provide a practical approach to the different topics, through the analysis and discussion of real cases or selected reading materials. In the small groups, the curricular activities might also include "multiple choice" tests or other types of exams, covering a part of the course program. Those activities will be duly announced by the professor in the "Aula Global" electronic website.

ASSESSMENT SYSTEM

The final grade of the course will be the result of adding up two partial grades: on the one hand, the grade obtained in the activities carried out in the small groups ("continuing evaluation" system). This partial grade will represent 40% of the final grade. On the other hand, the grade obtained in the final exam, which will amount to 60% of the final, overall grade.

The professor may require to get a minimum score in the final exam in order to receive an overall grade in the course (this should be indicated on the "Aula Global" webpage at the beginning of the term). In this case, the final grade will be obtained according to the Law School Faculty Board Resolution of December 16th 2014, available on <http://e-archivo.uc3m.es/handle/10016/21141#preview>.

Missed activities or assignments will be graded with 0. The final grade of the course might be adjusted by the professor (in one point as a maximum), according to the attendance and participation of the student in the different course activities.

The students who do not complete the final examination, either in the regular or in the extraordinary call, will receive a missed or absent grade in their transcripts.

% end-of-term-examination: 60

% of continuous assessment (assignments, laboratory, practicals...): 40

BASIC BIBLIOGRAPHY

- Luciano Parejo Alfonso Lecciones de Derecho Administrativo (9ª ed), Tirant lo Blanch, 2018