Administrative law: procedure and judicial review

Academic Year: (2021 / 2022)   **Review date: 29-06-2021**

Department assigned to the subject: Public State Law Department

Coordinating teacher: VIDA FERNANDEZ, JOSE

Type: Compulsory ECTS Credits : 6.0

Year : 2 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Constitucion and sources of law system
Basic institutions of administrative law

OBJECTIVES

1. Identifying and applying the law governing public administration bodies, and its constitutional context.
2. Getting a sector-based knowledge of the legal instruments and the regulatory tools included in the different courses included in the Administrative Law curriculum.
3. Dealing with Administrative Law laws and regulations: finding, interpreting and applying the legal rules in this field.
4. Getting the ability to abstract thinking and understanding the legal concepts pertaining to governmental agencies, and applying them to real cases.

DESCRIPTION OF CONTENTS: PROGRAMME

I. PECULIARITIES OF THE ADMINISTRATIVE ACTION AND ITS RELATIONS WITH THE JUDICIARY

Lesson 1. Legal-administrative relationships.

Lesson 2. Forms of administrative action and their classification.

Lesson 3. Self-enforcement powers in Administrative Law.

 II. FORMAL ACTIVITY OF PUBLIC ADMINISTRATIONS

Lesson 4. Administrative procedure: Concept, legal regulation and characteristics.

Lesson 5. Administrative procedure: Phases and the obligation to respond.

Lesson 6. Administrative resolutions: Concept, types and elements

Lesson 7. Administrative resolutions: Legal Validity, legal effectiveness and enforcement.

Lesson 8. Internal control to the administrative activity.

III. EXTERNAL CONTROL OF THE ADMINISTRATIVE ACTIVITY

Lesson 9. Judicial control of the administrative activity: General elements

Lesson 10. Judicial control of the administrative activity: Procedures, appeals and enforcement of judgments

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.

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" website.

Mentoring will be at the time and under the conditions determined by the teacher in Aula Global.

ASSESSMENT SYSTEM

The final grade of the course in the ordinary call 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 ("on-going evaluation" system) that 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 grade.

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 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 https://e-archivo.uc3m.es/handle/10016/21141

In the evaluation in the extraordinary call, the students that followed on-going evaluation will have the right to include it in the final grade (whenever it benefits him), and those that did not follow on-going evaluation will take a final exam with a value of a 100 % of the final grade of the course.

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 (assigments, laboratory, practicals…):	40

BASIC BIBLIOGRAPHY
 - Luciano Parejo Alfonso Lecciones de Derecho Administrativo, Tirant lo Blanch, 2020

 - Marcos Vaquer; Isabel Monjas; Carmen Camblor Organización y Actividad de las Administraciones Públicas, Opencourseware, http://ocw.uc3m.es/derecho-administrativo/organizacion-y-actividad-de-las-administraciones, 2016

 - Tomás de la Quadra-Salcedo; José Vida Fernández, José Luis Peñaranda Derecho Administrativo para Grado, Opencourseware, http://ocw.uc3m.es/derecho-administrativo/organizacion-actividad-aapp , 2015

ADDITIONAL BIBLIOGRAPHY
 - Juan Alfonso Santamaría Pastor Principios de Derecho Administrativo General, Iustel, 2018

 - Miguel Sánchez Morón Derecho Administrativo: Parte General, Tecnos, 2021

BASIC ELECTRONIC RESOURCES
 - Administración General del Estado . Punto de Acceso General: https://administracion.gob.es

 - Marcos Vaquer; Isabel Monjas; Carmen Camblor . Organización y Actividad de las Administraciones Públicas: http://ocw.uc3m.es/derecho-administrativo/organizacion-y-actividad-de-las-administraciones
 - Tomás de la Quadra-Salcedo; José Vida; José Luis Peñaranda . Organización y Actividad de las Administraciones Públicas: http://ocw.uc3m.es/derecho-administrativo/organizacion-actividad-aapp
 - VVAA . Memento Administrativo Lefevbre: http://biblioteca3.uc3m.es/RREE/recurso.php?recurso=QMemento