

Protection of competition in the transport and postal service sectors

Academic Year: (2023 / 2024)

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Department assigned to the subject: Public State Law Department

Coordinating teacher: FORTES MARTIN, ANTONIO

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Competition Law
Transports and postal sector

OBJECTIVES

- Ability of conflict resolution in contexts that are new or unfamiliar in multidisciplinary situations.
- Ability to face complex situations and solve problems with limited information
- Ability to transmit and communicate conclusions and outcomes both to specialized and non-specialized publics on a clear and unambiguous basis
- Provide legal advice in regulated sectors both at an international level and a domestic one
- Identify conflicts of interests and manage resolution techniques in the organizational, management and commercial context of regulated sectors
- Assess the array of liabilities likely to arise from the provision of professional services in regulated sectors
- Provide legal advice to international companies willing to invest in regulated sectors
- Develop skills to improve consumer protection in regulated markets
- Teamwork in specific, interdisciplinary and international contexts in order to integrate diverse contributions towards a common goal.

DESCRIPTION OF CONTENTS: PROGRAMME

State powers and European Union competences in transport law and competition law

Legal regime for the provision of services in maritime transport market: liberalization and access to market
Competition in maritime transport markets

Legal regime for the provision of services in air transport market: liberalization and access to market
Airport services and competition in air navigation services.

Legal regime for the provision of services in rail transport market: liberalization and access to market
Access to rail network

Legal regime for the provision of services in road transport market and competition law: liberalization and access to market
Universal service in transport market and rules

Competition law in post markets

LEARNING ACTIVITIES AND METHODOLOGY

Learning activities:

Lectures

Tutorials
Teamwork
Individual study

Teaching methodologies

- debates and critical discussions
- practical assignments: drafting, conflict resolution, negotiations, prelegislative tasks, regulatory and supervision issues, case law analysis, preparing documents, report drafting

ASSESSMENT SYSTEM

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

A learning method will be offered that allows both the acquisition of theoretical knowledge and the accreditation of practical skills through the resolution or analysis of assumptions or judicial pronouncements.

Graded assignments to be presented in class (in groups or on an individual basis) 40%

Final exam (60%)

The assessment in the extraordinary call would be under the same requirements than in the ordinary one.

BASIC BIBLIOGRAPHY

- FORTES MARTÍN, Antonio La ordenación y el control administrativo del tráfico aéreo, Thomson: Civitas, 2012
- M.V. PETIT LAVALL/F. MARTINEZ SANZ/A. RECALDE CASTELLS La nueva ordenación del mercado de transporte, Marcial Pons, 2013
- PETIT LAVALL, M^a Victoria Régimen jurídico del sector postal, Tirant lo Blanch , 2011
- SUSANA EVA FRANCO ESCOBAR La autorización administrativa en los servicios de interés económico general: intervención administrativa en los mercados de las comunicaciones, la energía y los transportes , TIRANT LO BLANCH, 2017

ADDITIONAL BIBLIOGRAPHY

- CASAMITJANA OLIVÉ, Análisis jurídico de la competencia en el mercado aeroportuario español, Tirant, Valencia, 2014
- FORTES MARTÍN, Antonio Acción administrativa y mercado en la prestación de servicios de navegación aérea, Revista General de Derecho Administrativo, p. 1-56, nº31 (2012)
- L. ORTIZ BLANCO/B. VAN HOUTTE Las normas de competencia comunitarias en el transporte, Cuadernos de Estudios Europeos 17, Madrid, 1996 , págs. 53 -60.
- M. GÓMEZ PUENTE Derecho Administrativo aeronáutico (Régimen de la aviación y el transporte aéreo), Iustel, Madrid , 2006