

Sector-Specific Transactions over Companies and Assets

Academic Year: (2023 / 2024)

Review date: 01-04-2022

Department assigned to the subject: Public State Law Department

Coordinating teacher: HERNANDEZ SAN JUAN, ISABEL

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: Regulatory issues in transnational transactions
2. General requirements for the development of economic activities: Industrial, service sectors and telecommunication
3. Transaction regulatory requirements in the electricity sector (I)
4. Transaction regulatory requirements in the electricity sector (II) and in the oil and gas sector
5. Transaction regulatory requirements regarding Information Technology (IT)
6. Case study: Regulatory Risk.
7. Environmental requirements (I): General requirements.
8. Environmental requirements (II): Requirements for specific activities
9. Fixed assets requirements: Territory and Urban planning.
10. Public procurement: Award and performance of public contracts
11. State aids: Provision and management of subsidies
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 in 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 each 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. Take home activities. Scheduled activities to be carried out during the course include two 'take home activities': Case Study 1 "Compliance Regulatory Checklist" and Case Study 2 "Regulatory Risk". 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 a mini case-study

TUTORING: Students will have access to tutorials with the person responsible for coordinating the subject. With the tutoring it is intended to organize the teaching and learning processes that are based on the interaction between the student and the teacher in order to: (i) Guide the autonomous and group work of the students (ii) Deepen in different aspects of the subject (iii) Guide the academic and comprehensive training of the student. The tutorials will take place at the time and under the conditions determined by the teacher in Aula Global.

ASSESSMENT SYSTEM

EVALUATION SYSTEMS BY MATTER

- SE1 Participation and engagement in class
- SE2 Individual or group Works done during the course
- SE3 Final exam
- SE4 Presentation and public discussion of End of Studies Project

Evaluation

systems	Minimum weigh (%)	Maximum weigh (%)
SE1	20%	30%
SE2	40%	60%
SE3	20%	40%

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

Continuous assessment (60 percent) will be based in two case-study that will be prepared in groups. The average of grades of these two case-study worth 50 percent of the final grade. Questions and comments of the student along class sessions worth 10 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 2 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).

The minimum grade in the final exam to pass course is 4. 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.

The Master in International Advocacy is a classroom-based program. Therefore, students are required to attend all the sessions that are 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 grade. 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

- Adolfo Menéndez Menéndez (dir) Estado y Mercado. Un vistazo global a la regulación económica, Aranzadi, 2021
- María Jesús García García The basics of spanish Administrative Law, Tecnos, 2020

ADDITIONAL BIBLIOGRAPHY

- A. Rodríguez de la Fuente The European directive of services: Bolkestein directive, <https://reader.elsevier.com/reader/sd/pii/S2351978917307941?token=DBE69DEA281E56EBEC2200F548CCAA0F927DD39F995A09170F134E87ACD5A9B42966A2C9C77DF41B45D12B449870C99D>, 2017
- CMS Guide to electricity, <https://eguides.cmslegal.com/electricity/1.0/spain.html>, 2018
- European Commission Stronger Data Protection Rules for Europe , http://europa.eu/rapid/press-release_MEMO-15-5170_en.htm, 2020
- European Commission Handbook on implementation of the Services Directive, <http://publications.europa.eu/en/publication-detail/-/publication/a4987fe6-d74b-4f4f-8539-b80297d29715>, 2008
- Ministerio de Hacienda Report on the transposition of the services directive, [tps://www.hacienda.gob.es/es-ES/Areas%20Tematicas/Internacional/Union%20Europea/Documents/Report%20on%20the%20transposition%20of%20the%20Services%20Directive.pdf](https://www.hacienda.gob.es/es-ES/Areas%20Tematicas/Internacional/Union%20Europea/Documents/Report%20on%20the%20transposition%20of%20the%20Services%20Directive.pdf), 2010

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>