

## 27442 - Economic Public Law

### Syllabus Information

**Academic Year:** 2021/22

**Subject:** 27442 - Derecho público de la economía

**Faculty / School:** 109 - Facultad de Economía y Empresa

**Degree:** 417 - Degree in Economics

**ECTS:** 5.0

**Year:** 4

**Semester:** First semester

**Subject Type:** Optional

**Module:**

### 1. General information

### 2. Learning goals

### 3. Assessment (1st and 2nd call)

### 4. Methodology, learning tasks, syllabus and resources

#### 4.1. Methodological overview

The subject of Economical Public Law has a theoretical and a practical dimension. Our methodology combines, on the one hand, the classroom system (with theoretical and based on the model of cases practical lessons, discussion of students, work with electronic resources, reading doctrine and occasionally jurisprudence and other planned activities) and, secondly, the system of autonomous student work that takes place outside the classroom.

Although not easy not should, of course, give up the memory as a way to learn, a responsible student preparation is achieved with reading and comprehension, with the search for the *raison d'être* of institutions and legal rules dealing with transcribing. This methodology is practiced and cultivated.

#### 4.2. Learning tasks

a Transmission of theoretical knowledge based on the teacher's classes. Such classes provide the student with a first theoretical contact with the concepts and basic knowledge of the subject that will allow subsequently a more efficient staff work and a better understanding of the subject, may enable him to a clearer identification of problems and to try to design paths legal solution to them.

b. Troubleshooting and cases: training activities in which students, supervised by teachers, perform practical work, including analysis of case studies, the jurisprudential analysis, analysis of regulatory provisions, and search and analysis of selected literature sources recommended by professor

One of the methodologies used will be the case, with the aim of promoting the engagement of students in the classroom and facilitate thus develop their ability to identify and analyze legal problems, and develop their critical sense and knack for oral exposure. The student becomes familiar with the use of own legal técnico-- language of the subject.

Within these activities the possibility that the teacher proposes, among the scheduled activities, seminars of different content is also contemplated: that may include active participation in the debate, moderated by the teacher, on the issues raised in the readings carried out by the student; or may consist of a read control to assessing the understanding of matter, or analysis of jurisprudence.

Clearly, the face should be rhythmic activity with independent learning and personal work (distance learning in the classroom), essential for learning. Academic calendars of each group may include activities directed reading and study of bibliographical material recommended, topical analysis or research and analysis of case law or administrative material.

The teaching methodology is planned to be face-to-face. However, if necessary for health reasons, the face-to-face classes may be taught online.

### 4.3. Syllabus

## The course will address the following topics:

### 1. THE LEGAL FRAMEWORK OF THE ADMINISTRATION AND ITS RELATIONS WITH CITIZENS

Lesson 1. Administration and Constitution. Introduction: some general features of the Spanish Constitution. The social and democratic state of law and its implications. The territorial pluralism: the autonomous State. Fundamental rights. The constitutional principles of the organization and activity of public administrations.

Lesson 2. Public Administrations in Spain. The principles of administrative organization: basic premises and key conceptual tools for the study of administrative organization. Typology of Public Administration and public entities. The General Administration of the State. Administration of the Autonomous Communities. Local Administration: entities that comprise it and general characteristics. Instrumental public entities. Administrations and independent regulatory agencies. .

Lesson 3. Administrative activity and the means of the action of Public Administration. The administrative procedure. The main forms of administrative action. The public procurement regime: scope of the current legislation and its general principles. Public subsidies: concept and basic regime in the General Subsidies Law. The sanctioning power of the Administration: the principles of which it is based. The patrimony of the Administration: classification of public goods and rules that govern their use and management.

Lesson 4. The guarantees of citizens against administrative action. The financial guarantee: expropriation and liability of the Administration. The judicial review of administrative action. The guarantees of constitutional rights.

### 1. FUNDAMENTALS OF ECONOMIC PUBLIC LAW

Lesson 5. Introduction. State intervention in economic activity: historical development and current situation. Economic public law and its characters. Globalization and economy: the structures and institutions of economic globalization. Concerning international economic public law.

Lesson 6. The EU framework of economic public law. General approach to the European integration process. The single market and its institutions. Economic freedoms in the European Union. The strengthening of the Union after the great crisis that began in 2008: the economic pillar of the Economic and Monetary Union. Budgetary discipline and coordination of the economic policies of the Member States. Impacts on public law in Spain.

Lesson 7. Spanish Constitution and economic model (I). The 1978 constituent's choices in the economic sphere. Free enterprise, private property and market economy. Economic public initiative. The public sector reserve resources or essential services. The social state and its implications. Budgetary discipline of public administration.

Lesson 8. Spanish Constitution and economic model (II). territorial autonomies and economic unit. The distribution of powers between the State and the Autonomous Communities in the economic sphere: constitutional clauses of general scope and exclusive powers of the State that affect the matter.

### 1. ECONOMIC ADMINISTRATION

Lesson 9. Territorial Administrations with economic powers. The Government and the economic ministries. The regional administrations. The space of local authorities; in particular, the economic powers of the Municipalities. Principles and instruments at the service of the realization of market unity throughout the national territory: Law 20/2013, on the Guarantee of the Market Unit

Lesson 10. Other Administrations in the economic sphere. The supervisory bodies of the economic environment configured as independent authorities. General aspects and common characteristics. No independent supervisory bodies. Management entities in specific sectors.

### 1. FORMS AND METHODS OF ACTION FOR ECONOMIC ADMINISTRATION

Lesson 11. The overall picture of the forms of action (police, development, public service and public business activity). The regulation of activities and ways of monitoring compliance. Administrative authorizations and other forms of preventive control. Inspection and administrative supervision of economic activities. The exercise of sanctioning powers. The forms of extraordinary performance. The intervention of companies. public aid, restructuring and resolution of institutions in the financial sector.

Lesson 12. Public intervention in the proper functioning of markets. The meaning of free competition between economic operators and their basic rules. Functions of the Community institutions and the CNMC: contrary to free competition

behaviors and control over the same. Control of business concentrations.

Lesson 13. Development techniques in the economic sphere. Concept and modalities of development actions. The system of public subsidies. Other ways of promoting economic activity. Free competition and promoting action. The EU framework for state aids.

Lesson 14. Public economic services and services of general interest. The public service in Spain and its various forms of management. The public service in a context of free competition: services of general economic interest in the European Union. Scope of the concept and general characteristics

Lesson 15. The exercise of entrepreneurial activity by the public administration: the public economic sector. Historical evolution and current reality of the public company in Spain. Nationalizations and privatizations. The EU framework for the public company. The legal framework of public companies in Spain: public companies in the formal sense and in the material or strict sense..

#### **4.4. Course planning and calendar**

##### Weekly Activity

1st week Introduction and theoretical teaching

Theoretical teaching 2nd week

Theoretical teaching 3rd week

Theoretical teaching 4th week

5th week theoretical and practical teaching

6th week theoretical and practical teaching

7th week theoretical and practical teaching

8th week theoretical and practical teaching

9th week theoretical and practical teaching

10th week theoretical and practical teaching

11th week theoretical and practical teaching

12th week theoretical and practical teaching

Week 13 Teaching practice

Teaching practice 14th week

Teaching practice 15th week

Exam