

Academic Year/course: 2022/23

62063 - Public law and regulation in sectors of strategic importance

Syllabus Information

Academic Year: 2022/23

Subject: 62063 - Public law and regulation in sectors of strategic importance

Faculty / School: 102 - Facultad de Derecho

Degree: 582 - Master's in Public Administration Law

ECTS: 3.0

Year: 1

Semester: Second semester

Subject Type: Optional

Module:

1. General information

1.1. Aims of the course

The course and its expected outcomes respond to the following approaches and objectives:

From the point of view of content and learning outcomes, the fundamental objective of this subject is to introduce the student of the Master's Degree in Public Administration Law to the general principles of *Public Law and Regulation of Strategic Sectors*. The aim is for the student to know and understand the organization and functioning of the various economic sectors considered strategic, and which are therefore subject to public regulation, and to know how to apply the knowledge acquired to the resolution of conflicts, fluently handling the legal terminology of the discipline and the techniques of legal argumentation.

These objectives make sense in relation to the methodological approach of the course, which will be specified in the different activities of the learning process (see the corresponding section). In any case, the student must already assume that the jurist, whatever his later orientation, is forced to work in a stimulating but changing profession, and that administrative law requires, perhaps more than in other branches of the legal system, the versatility of the professional and the permanent updating of the contents he handles.

Let us remember that the university student does not only study to pass a subject or an exam, but also *to learn*, or better yet, *to learn how to learn*.

In this regard, the professors of this subject are firmly convinced that, in the context of legal studies, where technology is secondary and innovation does not have too many spaces, the ability to generate knowledge is cultivated in university classrooms, and that university education is determinant in the development of an advanced civic and economic system.

These approaches and objectives are aligned with the following Sustainable Development Goals (SDGs) of the United Nations Agenda 2030 (<https://www.un.org/sustainabledevelopment/en/>), so that the acquisition of the learning outcomes of the subject provides training and competence to contribute to some extent to their achievement:

- Goal 8: Decent work and economic growth.
- Goal 9: Industry, innovation and infrastructure
- Goal 12: Responsible consumption and production
- Goal 16: Peace, justice and strong institutions.

1.2. Context and importance of this course in the degree

The course *Public Law and Regulation of Strategic Sectors* is taught in the second semester of the first year of the Master's Degree in Public Administration Law. It belongs to the optional training module and has 3 ECTS credits.

Curricularly, the fact that the course is located in the second semester of the first year, allows the student to have already acquired some skills and certain legal-administrative knowledge in the subjects of the first semester, and to be able to understand and calibrate the importance of the contents of this course. From this perspective, the course is coherent with the general objectives of the degree, and is perfectly coordinated with the rest of the subjects.

With regard to the general objectives of the degree, according to the Master's Degree Verification Report, the subject *Public Law and Regulation of Strategic Sectors* is more specifically related to objectives 1 and 4, related, respectively, to "*Deepen the knowledge of public legal institutions*", and to "*Identify, interpret and apply the normative and jurisprudential sources of the various sectors in which public legal activity is developed*".

1.3. Recommendations to take this course

First of all, it is advisable that the student has acquired the basic knowledge of the subjects that precede this one - in the

framework of undergraduate studies - particularly those of Public Law (*General Administrative Law, Special Administrative Law, Constitutional Law and Institutions of the European Union*), and that he or she has a certain level of proficiency in the understanding and handling of the terminology and legal institutions that are transversal to legal knowledge.

Students of *Public Law and Regulation of Strategic Sectors* must be willing to work daily with normative texts, analyze doctrinal articles related to the subjects of the program, reflect on contentious-administrative jurisprudence, solve practical cases on a weekly basis and monitor current affairs trying to identify, with a critical spirit, news related to public administrations.

2. Learning goals

2.1. Competences

Among the core competencies, the subject of *Public Law and Regulation of Strategic Sectors* aims that students (CB6) possess and understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context. In addition, it enables students (CB7) to apply their acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study.

As for the specific competences of the degree, the development of the competence (CE7) To correctly interpret and apply the regulations corresponding to the regulatory models of the administrative activity stands out.

Together with the above basic and specific competences, the student of *Public Law and Regulation of Strategic Sectors* will acquire the transversal competence (CT1) to develop sufficient autonomy to work in research projects and scientific or technological collaborations within their technical field.

2.2. Learning goals

The student, in order to pass this subject, must demonstrate the following learning outcomes:

Know and distinguish the forms of management of public services.

Differentiate the instruments, forms and administrative activities and understand their application.

Plan and develop the work/project in an autonomous, organized and scientific way.

Generate a scientific document in terms of structure and contents.

Use the tools to manage activities in a digital environment and in a scientific and academic context.

2.3. Importance of learning goals

Administrative Law, a key element in the shaping of the social and economic fabric of today's society, enhances the ability to resolve many of the legal conflicts that arise in contemporary societies. The mastery of the subject allows the future jurist to understand the legal-economic environment and the institutional conditioning factors in which public administrations operate.

The study of *Public Law and Regulation of Strategic Sectors* broadens the professional horizon of the Master's student, orienting him/her towards public administration (preparation for competitive examinations in areas of regulation and economic supervision) and public management. Likewise, specialization in the subjects covered allows students to practice with greater solvency in the following legal professions: legal advice, legal consultancy, public function, jurisdictional function and teaching in legal matters.

3. Assessment (1st and 2nd call)

3.1. Assessment tasks (description of tasks, marking system and assessment criteria)

Assessment activities:

The student must demonstrate that he/she has achieved the intended learning outcomes through the following assessment activities, which are assigned different weightings:

Seminars/Webinars (20% of the grade):

The participation of the students in the seminars that are organized is valued, being carried out activities to check and weight their correct use.

Practical assumptions / case studies (30% of the grade):

The students will carry out case studies or resolution of practical cases, so that the student will have to elaborate an argued solution regarding a question, solve a series of specific questions or make a global reflection. The solutions to the problems or assumptions or the critical analysis of the case are evaluated. It involves the presentation of the work and feedback from the teacher.

Assignments (40% of the grade):

Academic work carried out by the student in a non face-to-face basis. It is an activity that the student carries out individually. The ability of students to prepare an original academic work, based on research, which demonstrates the ability to identify, interpret and apply the regulations and jurisprudence and handle the relevant doctrinal sources in the subject of the work is valued. The validation of the identity of the author of the work will be carried out through tutorials/interviews on the contents of the work performed.

Others (10% of the grade):

The participation of the students in the proposed activities and the completion of the self-evaluation tests will be valued.

Grades:

According to current regulations, "the results obtained will be graded according to the following numerical scale from 0 to 10, with the expression of one decimal place, to which the corresponding qualitative grade may be added."

From 0 to 4.9: Fail (S): the student has not achieved the learning outcomes. From 5.0 to 6.9: Pass (A): the student has achieved the learning outcomes.

From 7.0 to 8.9: Notable (N): the student has achieved the learning outcomes above the minimum required and in an outstanding way.

From 9 to 10: Outstanding (SB): the student has achieved the learning objectives in an excellent way.

From 9.5 to 10: Honors (MH). In addition to achieving the learning objectives in an excellent way, the Honorable Mention will reward students who have shown special dedication and regular work throughout the course, within the quantitative limits established by the evaluation regulations.

Other comments and second call:

In the case of failure to pass all or some of the activities foreseen in the continuous evaluation, a recovery period is foreseen at the end of each semester (published together with the Master's timetables) in which the person in charge of the subject will indicate the tests to be taken to recover these activities.

4. Methodology, learning tasks, syllabus and resources

4.1. Methodological overview

The learning process that has been designed for this subject is based on the following:

The subject *?'Derecho público y regulación de sectores estratégicos?* has a theoretical and a practical dimension. Our methodology is focused, given the virtual modality of teaching, in a system of autonomous work of the students, under the guidance of the teacher in charge, and through the use of several tools: theoretical texts, practices based on case studies, student debate, work with electronic resources, reading of doctrine and jurisprudence and other programmed activities.

The teaching methodology follows certain specific strategies; among which we highlight the following three:

1. To make the student a partner in the learning process, motivating the constancy and behaviour of being in a continuous formative process

It is proposed to approach the study of the subject in a critical way, both from the revision of the legal texts, and from the handling of specific problems that illustrate the reality of the administrative law and the functioning of our public administrations.

This approach requires an effort on the part of the students, from whom an ambitious mentality is demanded, concentration in the lessons, motivation and interest for the understanding, capacity of selection and synthesis of the learned concepts, relation and criticism of the subjects that are treated in the program and the social reality that surrounds them, as well as the handling of the technological resources within their reach to be suitably trained in this discipline.

2. Training in social and ethical values

The professor will present the institutions of public law and the regulation of strategic sectors beyond the mere revision of the regulation, also illustrating his discourse with references to the economic and social problems of the moment. Legal analysis should serve to open up channels of reflection and discussion, to establish knowledge of concepts, and to learn strategies and work techniques which are specific to this subject.

3. Training in quality, promoting learning based on active methodologies

The teachers of this subject have been teaching through active methodologies, with official recognition in numerous teaching innovation projects of the University of Zaragoza and with the help of electronic resources.

In learning-teaching process of *?'Derecho público y regulación de sectores estratégicos?* it is necessary to get used to handling legal concepts with solvency and, above all, to arguing and interpreting legal texts (rules, judgments, contracts, administrative resolutions, doctrinal works, etc.). These are techniques that are preferable to memorising the content of books, legal rules or judgements.

Administrative law is extraordinarily dynamic, both in its normative dimension and in the - often uneven - interpretation of rules by experts, including judges and courts. That is why it is not advisable to spend too much time and effort on retaining information or data, storing rules, judgments and doctrinal criteria, but to assimilate, first, the basic or fundamental concepts - "those that never change"-, and then to interpret the legal ups and downs by applying the available legal techniques.

Although it is not easy -nor desirable, of course- to renounce memory as a form of learning, a responsible preparation of students is achieved through reading and understanding texts, through the search for the reason for being of institutions and for the legal norms that seek to regulate them. This methodology is practiced and cultivated on a daily basis. The law is the early expression of possible peaceful solutions to human conflicts and the expression of public policies. At the same time, the legal profession, in its many and different aspects (the advocacy, the judiciary, the notary's office, the legal profession of the State or of the Autonomous Communities, the legal profession of Parliaments, public employees and others) is measured by the capacity or skill in achieving those noble objectives.

4.2. Learning tasks

The programme offered to the student to help him achieve the expected results comprises different activities, which will vary according to the characteristics of the different thematic blocks, and which will be as follows:

Introductory activities:

Activities aimed at making contact and collecting information from students and presentation of the subject.

Webinars:

Webinars will be virtual activities aimed at dealing in depth with specific topics or complex and current issues of each subject, through personal exchanges between attendees.

Discussion forums:

The discussion forum provides learning in a virtual environment to work on readings and case studies. It is an activity where individually or in small groups students defend positions based on legal arguments on a given topic.

Case studies:

In order to acquire the skills of the degree and to achieve the learning objectives of each subject, students will carry out case studies, so that the students will be required to develop an argued solution to an issue, solve a series of specific questions or make a global reflection.

Reading of written/graphic documentation elaborated:

Reading and working on the documentation published in different formats, with the aim of helping students to develop the more theoretical skills and knowledge necessary for the development of practical activities. Virtual environments will be used to support teaching, given the virtual nature of the Master's, but students may be required to search for the appropriate documentation sources for each activity.

Assignments:

Academic work done by students in a non-presential way that allows them to develop the understanding and application of content, the use and organization of information, the capacity for critical reflection, etc.

Personalized attention:

The teacher will attend virtually (email or other means through Moodle) providing the information required by students, advising both the development of work and participation in forums and discussion seminars, also provide the necessary explanations to improve the monitoring of the subject.

4.3. Syllabus

The course will address the following topics or subjects:

- Government intervention in the economy: a historical approach.
- The elimination of state monopolies. The promotion of free competition.
- The liberalization of strategic economic sectors.
- Fundamentals of economic regulation.
- Techniques and instruments of economic regulation.
- Competition law and regulation.
- Services of general economic interest.
- The phenomenon of self-regulation and its impact on the economy.
- The use of soft law as an instrument of regulation.
- The regulatory bodies.

4.4. Course planning and calendar

The learning process that has been designed for the subject 'Derecho público y regulación de sectores estratégicos' is based on several teaching-learning, training and assessment activities, which are consistent with the expected learning outcomes and are geared towards achieving those outcomes.

The key activities of the subject, in accordance with the proposed timetable, will be announced sufficiently in advance by the teachers in charge of teaching.

For this purpose, electronic means will be used preferably, highlighting the specific Moodle course.

4.5. Bibliography and recommended resources

Teachers will recommend the updated bibliography at the beginning of each topic.