

Administrative Law II

Code: 102230
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	2	2

Contact

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Use of Languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Manuel Ballbé Mallol
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Juan Emilio Nieto Moreno

Prerequisites

It is highly recommended to have passed the course of Administrative Law I to be able to study Administrative Law II.

Objectives and Contextualisation

The legal position of the Administration and its administrative action. The formal guarantees of the administered. The administrative procedure. Administrative appeals. Contentious-administrative jurisdiction. The civil service.

Competences

- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying, assessing and putting into practice changes in jurisprudence.

- Managing bibliographic and documentary resources: databases, browsing, etc.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Memorising and utilising legal terminology.
- Students must be capable of communicating their points of view in a compelling way.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Analysing the jurisprudential evolution.
2. Applying the legal standards to concrete cases.
3. Critically reflecting on jurisprudential decisions.
4. Defining the legal administrative language.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Distinguishing the jurisprudential evolution in the field of administrative law.
7. Drawing up and formalising works, reports, documents, rulings.
8. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
9. Explaining the administrative legal standards.
10. Managing bibliographic and documentary resources: databases, browsing, etc.
11. Reflecting on administrative standards.
12. Searching sentences, articles, etc. in legal databases.
13. Students must be capable of communicating their points of view in a compelling way.
14. Students must be capable of expressing themselves with legal-administrative terminology.
15. Using the computing legal sources of information.
16. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

I. THE ADMINISTRATIONS ACTS

T E M A 1

The administrative act. Concept. Subjective and objective elements. Requirements: production, motivation and form. Classes: resolutive and procedural; favorable and encumbrance; express and presumed; regulated and discretionary; acts that put and do not put an end to the administrative process; firm and confirmatory. Administrative acts of other public authorities. Political or government acts. Separable acts

. T E M A 2

The principle of self-management. Declaratory self-guardianship: the presumption of validity of administrative acts. Executivity. The effectiveness of administrative acts. Conditions of effectiveness: notification and publication. General conditions for the practice of notifications. Electronic notifications.

T E M A 3

Obligation to resolve. Suspension and extension of the maximum period for resolving and notifying. Administrative silence. Administrative silence in proceedings initiated at the request of a party. Lack of express resolution in ex officio proceedings.

T E M A 4

Validity and invalidity of administrative acts. Nullity as a matter of right: circumstances. Annulability and nondisabling irregularities. Conversion, conservation and validation. Limits on the extent of invalidity and voidability.

II. ADMINISTRATION OF THE PROCEDURE

TEMA 5

The administrative procedure: concept and purposes Types of procedures. The procedure and e-government. The interesting ones in the procedure: concept, identification and signature systems, representation and electronic registers of proxies. The rights of data subjects and citizens in their relations with public administrations. Abstention and challenge of authorities and staff in the service of administrations. The language of proceedings. Records and archiving of documents. Terms and computation.

TEMA 6

The structure of the administrative procedure. Initiation of the procedure: ex officio and at the request of one of the parties. The adoption of provisional measures. The organisation and conduct of the procedure: the file, allegations, evidence, reports, public information, hearing and motion for a resolution. Termination of the procedure: decision, withdrawal, waiver of the right and lapse. Conventional termination. Simplified processing of the common administrative procedure. The particularities inherent in the responsible declaration and communication.

TEMA 7 Executive self-guardianship. The enforceability of administrative decisions. Means of enforcement. Heritage pressure. Subsidiary run. Coercive fine. Compulsion about people. Prohibition of possessory actions.

III. THE REVIEW OF ADMINISTRATIVE ACTS

TEMA 8

Ex officio review of invalid and voidable acts. Revision of invalid acts as of right. The declaration of wrongfulness of acts that can be annulled. Revocation of acts. Correction of errors. Limits of the review.

TEMA 9

General characteristics of administrative remedies: purpose, standing, acts subject to appeal, general characteristics of administrative remedies: purpose, standing, acts subject to appeal, causes and prohibition of reformatio in pejus. Type of appeal: appeal, replenishment option and the extraordinary appeal for review. Appeals and suspension of enforcement of the contested decision. The possibility of substituting, by law, the appeal and / or reinstatement by other procedures of challenge, complaint, conciliation, mediation and arbitration,

IV. ADMINISTRATIVE CONTENTIOUS JURISDICTION

TEMA 10

Scope, scope and limits of the contentious-administrative jurisdictional order. Courts and tribunals of the contentious order. Competition rules. The parties in the process: legitimation, representation and defence. Object of the action: actionable measures and provisions and types of orders sought.

TEMA 11 Contentious-administrative proceedings. The lodging of an appeal and a claim against the file. Precautionary protection: the request for suspension of the act appealed against and other precautionary measures. Complaint and defence. Try it. View and conclusions. The sentence and its execution. The costs of the proceedings. The abbreviated procedure. Appeals against judicial decisions: appeal and cassation. The special litigation process for the protection of fundamental rights

V. PUBLIC ADMINISTRATION

TEMA 12

The function and its historical evolution. Classes of civil servants: career civil servants, temporary staff, temporary staff and managers. Public employment system. Access to the civil service. Selection procedures. Organization of officials into bodies, groups, levels and relationships of positions. The count

Methodology

At the beginning of the course, the teacher of each group will determine, through a virtual campus or explanation

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical classes: alumni exposicions, resolved cases, comment on jurisprudència	22.5	0.9	1, 2, 12, 13, 5, 6, 7, 3, 11, 16, 15
Theoretical classes	22.5	0.9	1, 6, 9
Type: Autonomous			
Different readings: articles, jurisprudence ...	28	1.12	1, 2, 12, 6, 3, 11, 15
Preparation, writing and presentation of different activities	23	0.92	2, 12, 13, 5, 7, 3, 11, 16, 15
study	44	1.76	1, 2, 6, 9, 8

Assessment

The evaluation model is continuous and has the formative objective that the students and the faculty can know th
The practical activities carried out throughout the course will represent 30% of the total evaluation.
At the beginning of the course the teacher responsible for the subject will

Students will also be informed of the type of exam (test, short questions, ...). Likewise, information will be provided

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
First partial exam	40%	2.5	0.1	1, 2, 4, 5, 6, 9, 14, 3
Second partial exam	40%	2.5	0.1	2, 5, 9, 7, 3, 11
practical cases	20%	5	0.2	1, 2, 12, 13, 4, 5, 6, 14, 8, 10, 7, 3, 11, 16, 15

Bibliography

Fuentes Gasó, Josep Ramon y Gifreu Font, Judith (dirs.): Esquemas de procedimiento administrativo. Tomo IX. Ed. Tirant lo Blanch, 2018

Gamero, Eduardo, Fernández, Severiano: "Manual básico de derecho administrativo". Ed. Tecnos, 2018.

García de Enterría, Eduardo y Fernández, Tomás Ramón: Curso de derecho administrativo, Ed. Civitas. Madrid, 2017.

Parejo Alfonso, Luciano: Lecciones de Derecho administrativo, Ed. Tirant lo Blanch. València, 2016.

Sánchez Morón, Miguel: Derecho administrativo: parte general. Ed. Tecnos. Madrid, 2018

Santamaria Pastor, Juan: Principios del Derecho administrativo general. Tomo II, Ed. Iustel, 2018.

Trayter, Joan Manel; Derecho administrativo. Parte general. Ed. Atelier, 2017