

**Administrative Law II**

Code: 102230  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	2	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

**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**

Marta Franch Saguer  
Antoni Milian Massana  
Maria dels Àngels Orriols Sallés  
Isabel Pont Castejón  
Rafael Audivert Arau  
Ramon Jordi Moles Plaza  
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.

Language requirements:

Group 1:

Marta Franch (theory). Catalan (SEE NOTE)

Seminar 11: Isabel Pont Catalan

Seminar 12: Marta Franch Catalan

Seminar 13: Juan Emilio Nieto Spanish

Group 2:

Antoni Milian (theory) Catalan

Seminar 21: Antoni Milian Catalan

Seminar 22: Marta Franch Catalan

Seminar 23: Juan Emilio Nieto Spanish

Group 51

Ramon Moles (theory) Catalan

Seminar 51: Ramón Moles Catalan

Seminar 52: M.A. Orriols Catalan

Seminar 53 Rafael Audivert Catalan

NOTE: Theory classes in group 1 will be in Catalan, unless the subject Administrative Law I has enrolled for the first time exchange students from Spanish universities in whose territory the Catalan language is not an official language or students who come from foreign universities and does not understand the Catalan language. If either of these two assumptions occurs, the theoretical class of Group 1 will then be in Spanish and students who do not understand Catalan will be able to join the aforementioned Group 1

## **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.
- 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.
- Present information in a way that is appropriate to the type of audience.
- Students must be capable of communicating their points of view in a compelling way.
- Students must prove they know and comprehend the main public and private institutions in its genesis and as a whole.
- 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. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
8. Enumerating the public institutions and their training in each historical moment.
9. Explaining the administrative legal standards.

10. Managing bibliographic and documentary resources: databases, browsing, etc.
11. Present information in a way that is appropriate to the type of audience.
12. Reflecting on administrative standards.
13. Searching sentences, articles, etc. in legal databases.
14. Students must be capable of communicating their points of view in a compelling way.
15. Students must be capable of expressing themselves with legal-administrative terminology.
16. Using the computing legal sources of information.
17. 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 ADMINISTRATIVE DECISIONS (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. THE ADMINISTRATIVE PROCEDURE

#### T E M A 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.

#### T E M A 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.

T E M A 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

#### T E M A 8

Ex officio review of invalid acts. The declaration of wrongfulness of acts that can be annulled. Revocation of acts. Correction of errors. Limits of the review.

#### T E M A 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. JUDICIAL REVIEW

#### T E M M A 1 0

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.

T E M A 1 1 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. LAW APPLICABLE TO PUBLIC SERVANTS

#### T E M A 1 2

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**

According to the New Approach, the course of Administrative Law II includes directed and autonomous activities.

Directed activities consist of a weekly theoretical class and a weekly seminar.

The seminars and classroom activities consist of normally oral presentations.

The materials for the seminars and classroom activities will be accessible on the course website.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Seminars	19.5	0.78	1, 2, 13, 14, 5, 6, 3, 12, 17, 16
Theoretical classes	19.5	0.78	1, 6, 9
Type: Autonomous			
Different readings: articles, jurisprudence ...	28	1.12	1, 2, 13, 6, 3, 12, 16
Preparation, writing and presentation of different activities	29	1.16	2, 13, 14, 5, 3, 12, 17, 16
study	44	1.76	1, 2, 6, 9, 7

## Assessment

The evaluation is based on three activities: a partial exam (midterm exam), with a value between 25 and 40%; the ...  
At the beginning of the course, the teacher in charge of each group will ir

The score corresponding to the activities carried out in the seminars and classroom activities will take into account ...  
At the beginning of the course, the teacher responsible for each group wi

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
First partial exam	25% a 40%	2.5	0.1	1, 2, 4, 5, 6, 8, 9, 15, 3
Second partial exam	20% a 50%	2.5	0.1	2, 5, 9, 3, 12
Seminars	20% a 40 %	5	0.2	1, 2, 13, 14, 4, 5, 6, 15, 7, 10, 11, 3, 12, 17, 16

## **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, 18ª ed., 2021

García de Enterría, Eduardo y Fernández, Tomás Ramón: Curso de derecho administrativo, Ed. Civitas. 2020.

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Rebollo Puig, Manuel y Vera Jurado, Diego: Derecho Administrativo. Tomo II. Régimen Jurídico básico y control de la administración. Madrid, Tecnos, 2019.

Sánchez Morón, Miguel: Derecho administrativo: parte general. Ed. Tecnos. Madrid, 2021

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Trayter, Joan Manel; Derecho administrativo . Parte general. Ed Atelier, 2020.

Palomar, Alberto y Fuentes, Javier: Práctico contencioso-administrativo. Vlex España (2020). Available at biblioteca digital UAB.

## **Software**

The subject does not require any specific software