

Administrative Law II

Code: 102230
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	2	2

Contact

Name: Juan Emilio Nieto Moreno

Email: juanemilio.nieto@uab.cat

Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Marta Franch Saguer

Jose Maria Macias Castaño

Maria Angels Orriols Salles

Francesc Valdivia Poch

Montserrat Iglesias Lucia

Estela Gutierrez Rodriguez

External teachers

Profesor/a per determinar

Profesor/a per determinar

Profesor/a per determinar

Prerequisites

It is highly recommended to have passed the course of Administrative Law for taking the course of Administrative Law II.

Teaching groups

Group 1:

José María Macías (theory)

Seminar 11: José María Macías Castaño

Seminar 12: To be determined

Seminar 13: To be determined

Group 2:

Marta Franch Saguer (theory)

Seminar 21: Marta Franch Saguer

Seminar 22: Montserrat Iglesias Lucía

Seminar 23: To be determined

Group 51

Francesc Valdivia Poch (theory)

Seminar 51: Francesc Valdivia Poch

Seminar 52: Maria Àngels Orriols Sallès

Seminar 53 Estela Gutiérrez Rodríguez

Group 70

Theory: Roser Martínez Quirante

Seminar 71: Roser Martínez Quirante

Seminar 72: Montserrat Iglesias Lucía

Seminar 73: To be determined

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 through the virtual campus.

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
Assessment	5	0.2	14, 5
study	39	1.56	1, 2, 6, 9, 7

Assessment

Continuous assessment

The evaluation is based on three activities: a partial exam (midterm exam), with a value of 35%; the activities carried out in the seminars and classroom activities, with a value of 30%; and a final exam, with a value of 35%.

In the midterm exam and in the final exam, the knowledge acquired both in the theoretical classes and in the seminars and classroom activities are controlled.

The score corresponding to the activities carried out in the seminars and classroom activities will take into account the knowledge and skills used (argumentation, oral presentation skills and teamwork, among others).

At the beginning of the course, the teacher responsible for each group will inform the students of the type of the partial test and the final exam and the necessary requirements to be able to take the re-evaluation. The assessment of the revaluation will include the contents of both partial and final exams.

Any student who copies or attempts to copy in any exam or in the written exercises that take place at the seminars, will receive a final qualification of 0 points in Administrative Law II. In these cases, students will not have the possibility to take the re-evaluation exam. Likewise, students who copy or try to copy in the re-evaluation tests or exercises, will obtain a qualification of 0 points in Administrative Law II.

Any paper or practical exercise submitted by the students, in which any evidence of plagiarism can be detected, will receive a qualification of 0 points. Students who submit any paper that is deemed to be a case of plagiarism will receive a warning additionally. In the event of a repeat plagiarism misconduct, the student will fail the whole course of Administrative Law II.

Single Assessment

The evaluation of the subject is based on three activities: a partial test (midterm exam), with a value of 35%; a final exam, with a value of 35%; and a practical exam with a value of 30%.

All the evaluation activities will take place in the date set for the final exam of the continuous assessment system.

Any student who copies or attempts to copy in any exam, will receive a final qualification of 0 points in Administrative Law II. In these cases, students will not have the possibility to take the re-evaluation exam. Likewise, students who copy or try to copy in the re-evaluation tests or exercises, will obtain a qualification of 0 points in Administrative Law II.

Re-evaluation: The re-evaluation in single assessment follows the same procedure as for the continuous assessment.

Review of final qualifications: The review of the final qualifications follows the same procedure as for the continuous assessment.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
First partial exam	35%	2.5	0.1	1, 2, 4, 5, 6, 8, 9, 15, 3
Second partial exam	35%	2.5	0.1	2, 5, 9, 3, 12
Seminars	30%	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, 19ª ed., 2022

García de Enterría, Eduardo y Fernández, Tomás Ramón: Curso de derecho administrativo, Ed. Civitas. Vol I 2020; Vol. II 2022.

Parejo Alfonso, Luciano: Lecciones de Derecho administrativo, Ed. Tirant lo Blanch. Valencia, 12ª Ed., 2022.

Rebollo Puig, Manuel y Vera Jurado, Diego: Derecho Administrativo. Tomo II. Régimen Jurídico básico y control de la administración. Madrid, Tecnos, 2021.

Sánchez Morón, Miguel: Derecho administrativo: parte general. Ed. Tecnos. Madrid, 2022

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

Trayter, Joan Manel; Derecho administrativo . Parte general. Ed Atelier, 7 ed. 2022.

Palomar, Alberto y Fuertes, Javier: Práctico contencioso-administrativo. Vlex España. Available at the digital library ("Biblioteca digital") UAB.

Software

The subject does not require any specific software