

Administrative Law II

Code: 102230
ECTS Credits: 6

2024/2025

Degree	Type	Year
2500786 Law	OB	2

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Teachers

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(External) Profesor/a per determinar

(External) Profesor/a per determinar

(External) Profesor/a per determinar

Teaching groups languages

You can view this information at the [end](#) of this document.

Prerequisites

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

Teaching will take into account the perspective of the Sustainable Development Goals.

Teaching groups

Group 1

Theory: Marta Franch (Catalan)

Seminar 11: Marta Franch (Catalan)

Seminar 12: Juan Emilio Nieto (Spanish)

Seminar 13: Ramón Batalla (Catalan)

Group 2

Theory: Juan Emilio Nieto (Spanish)

Seminar 21: Juan Emilio Nieto (Spanish)

Seminar 22: José María Macías

Seminar 23: Isabel Pont (Catalan)

Group 51

Theory: Francesc Valdivia (Catalan)

Seminar 511: Maria dels Àngels Orriols (Catalan)

Seminar 512: Francesc Valdivia (Catalan)

Seminar 513: Estela Gutiérrez (Catalan)

Group 70

Theory: Roser Martínez (Catalan)

Seminar 701: Roser Martínez (Catalan)

Seminar 702: Montserrat Iglesias (Catalan)

Seminar 703: Roger Cots (Catalan)

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.

I. 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

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Seminars	22	0.88	1, 2, 3, 5, 6, 12, 13, 14, 16, 17
Theoretical classes	22	0.88	1, 6, 9
Type: Autonomous			
Different readings: articles, jurisprudence ...	24	0.96	1, 2, 3, 6, 12, 13, 16
Preparation, writing and presentation of different activities	24	0.96	2, 3, 5, 12, 13, 14, 16, 17
study	48	1.92	1, 2, 6, 7, 9

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 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.

Assessment

Continuous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
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First partial exam	35%	2.5	0.1	1, 2, 3, 4, 5, 6, 8, 9, 15
Second partial exam	35%	2.5	0.1	2, 3, 5, 9, 12
Seminars	30%	5	0.2	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17

1. Continuous assessment

Evaluation activities

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%.

Students will be evaluable as long as he/she has carried out a set of activities whose weight is equivalent to a minimum of 2/3 of the total grade of the subject. If the value of the activities performed does not reach this threshold, the teacher of the course may consider the student as not evaluable.

The dates set for the examinations and the evaluable activities of the seminars are mandatory. Only for reasons that absolutely prevent attendance, duly justified, may be authorized the realization of the activity on a different day. In any case, driving exams and similar cases are not considered as justified reasons.

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. At the beginning of the course, the teacher in charge of each group will communicate to the students the type of the partial test and the final exam (test, questions to be developed, mixed system, etc.). The teacher in charge will also indicate well in advance the penalty for incorrect answers applicable to the test exams.

The score corresponding to the evaluable activities performed in the seminars and classroom activities will take into consideration the knowledge and skills used (ability to solve practical cases, argumentation, oral presentation skills and teamwork, among others). Attendance to the seminars is mandatory. A 0.1 point deduction from the final grade may be applied for each unexcused absence, up to a maximum of 1 point.

A weighted average grade of 5 points is required to pass the course. There is no possibility to do any complementary work or exercise to increase the final average grade resulting from the exams and the evaluable activities of the seminars.

Students who fail the course (i.e., those who have obtained an average grade lower than 5 points out of 10), may apply for reevaluation under the conditions indicated in the following section.

Reevaluation

The reevaluation exam can only be taken by those students who have taken the mid-term and final exams. There is no minimum grade to take the re-evaluation: the re-evaluation tests may be taken by all those who, having taken the mid-term and final exams, have not passed the course.

The content of the re-evaluation will include the contents of the mid-term exam and the final exam.

The teacher in charge of each group will specify the type and structure of the re-evaluation test (test, questions to be developed, mixed system, etc.). It will also indicate the penalty for incorrect answers applicable to the test exams.

The reevaluation exam will be held on the date officially determined by the Faculty of Law.

The grade for the reevaluation will not consider the grades corresponding to the practical or seminar activities, nor those obtained in any of the mid-term exams.

Students who have had to take the reevaluation exam may obtain a maximum final grade of 6 points.

Copy and plagiarism

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 reevaluation 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.

2. 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.

The student will be evaluable as long as he/she has carried out a set of activities whose weight is equivalent to a minimum of 2/3 of the total grade of the subject. If the value of the activities performed does not reach this threshold, the teacher of the course may consider the student as not evaluable

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 reevaluation 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.

Reevaluation: The reevaluation 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.

Bibliography

It is necessary to follow the subject with a manual. The following are especially recommended (in bold those considered basic bibliography):

Miguel Sánchez Morón, *Derecho administrativo. Parte general*, ed. Tecnos, Madrid, 19 ed., 2023.

Eduardo Gamero Casado, Severiano Fernández Ramos, *Manual básico de Derecho administrativo*, ed. Tecnos, Madrid, 20 ed., 2023.

Joan Manuel Trayter Jiménez, *Derecho administrativo. Parte general*, ed. Atelier, Barcelona, 8ª ed., 2023.

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

Fuentes Gasó, Josep Ramon y Gifreu Font, Judith (dirs.): Esquemas de procedimiento administrativo. Tomo IX. Ed. Tirant lo Blanch, 2022

Fuentes i Gasó, Josep Ramon; Gifreu Font, Judith; Casado Casado, Lucía (dir), Esquemas del Proceso Contencioso Administrativo, Tomo LXIV Tirant lo Blanch, 2024

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. Derecho administrativo. Tomo II. Régimen Jurídico básico y control de la administración. Madrid, Tecnos, 2023.

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

Palomar, Alberto y Fuentes, Javier: Práctico contencioso-administrativo. Vlex España. Disponible en la biblioteca digital UAB.

Software

The subject does not require any specific software

Language list

Name	Group	Language	Semester	Turn
(TE) Theory	1	Catalan	second semester	morning-mixed
(TE) Theory	2	Spanish	second semester	morning-mixed
(TE) Theory	51	Catalan	second semester	afternoon
(TE) Theory	70	Catalan	first semester	morning-mixed