

**Course syllabus**

Subject name	Administrative and Regulatory Law
Field of study	Administrative Law, EU Law, Regulation, Competition Law
ECTS credits	3
Semester	2 (Spring)
Language	English
Professor/s	José Carlos Laguna de Paz
Department	Public Law (Administrative Law)
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1. Description

This course aims to provide the students with the legal framework of economic regulation, including competition law. Regulation covers not only access to the market, but also supervision and the government response in areas where market competition is not considered sufficient to achieve the desired regulatory outcomes. We will focus on the principles of regulation (the principle of legality, the role of regulatory bodies, administrative discretion and judicial review). We will also deal with the basic tools of administrative intervention (licenses, public procurement, inspections, resolution powers, administrative sanctions, etc.). Principles and administrative tools will be tested in the legislation and practice of public utilities and services of general economic interest (energy, telecommunications, transports, financial sector, media, etc.).

2. Course learning objectives

Students should be able to:

1. Understand the rationale of regulation and competition law.
2. Understand the different legal and regulatory systems, particularly the so called civil law and common law systems.
3. Understand the current multi-level regulation, which is made at international, European and national level.
4. Deepen the understanding of the basic principles of administrative law.
5. Achieve a sound understanding of administrative discretion and judicial review.
6. Deepen the understanding of public services, regulated sectors, services of general economic interest and network industries.



3. Contents / Programme

First Part.- Constitutional and international foundations

- Chapter 1. Market economy
- Chapter 2. Regional integration: EU law
- Chapter 3. Globalisation: international law

Second Part.- Regulation

- Chapter 4. Meaning, rationale, failures and alternatives

Third Part.- Legality principle, administrative discretion and judicial review

- Chapter 5. The role of Legislature
- Chapter 6. The role of the Administration: independent regulatory bodies
- Chapter 7. Discretionary powers and judicial review

Fourth Part.- Regulated industries

- Chapter 8. Telecom, Energy, Transport, Postal sector, Financial Sector

Fifth Part.- Public corporations and public services

- Chapter 9. Public corporations
- Chapter 10. Public services

Sixth Part.- Competition Law

- Chapter 11. Competition law
- Chapter 12. Administrative sanctions

4. Bibliography

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- *EU Administrative Law*. 2 nd Edition. Oxford University Press, 2012.
- «Judicial Review and Anxious Scrutiny: Foundations, Evolution and Application.» *Public Law*, no. 1 (2015): 60-78.
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LAGUNA DE PAZ, José Carlos, *Tratado de Derecho Administrativo. General y Económico*, Fifth Edition, Civitas-Thomson Reuters, 2023.

- “Should Big Tech Pay for the Use of Telecom Networks?”, *The Regulatory Review*, 20 September 2023 [<https://www.theregreview.org/2023/09/20/laguna-de-paz-should-big-tech-pay-for-the-use-of-telecom-networks/#:~:text=It%20is%20argued%20that%20because,to%20financing%20future%20telecom%20networks>].
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- «Basic Foundations of the Administrative State», Regblog, University of Pennsylvania, 8.6.2021 [<https://www.theregreview.org/2021/06/08/laguna-de-paz-basic-foundations-administrative-state/>].
- «Administrative and judicial review of EU supervisory decisions in the banking sector», *Journal of Banking Regulation*, 2019, vol. 20, issue 2: 159-173.
- «Discretion and Judicial Review in the European Environmental Law», Hebel, T., Hofmann, E, Proelss, A., Reiff, A., *Protecting the Environment for future generations. Principles and Actors in International Environmental Law*, Erich Schmidt Verlag, Berlin, 2017, 27-60.
- «What to keep and what to change in European electronic communications policy?» *Common Market Law Review* 49, no. 6 (2012): 1951-1975.
- «Understanding the limits of judicial review in European competition law.» *Journal of Antitrust Enforcement*, 2, no. 1 (2014): 203-224.
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- «In Search of Efficiency in Telecoms. Agreements Between Undertakings in European Competition Law», *Competition and Regulation in Network Industries*, 15 (2014): 357-381.
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WHISH, Richard, David BAILEY. *Competition Law*. 7th Edition. Oxford University Press, 2012.

5. Workload distribution

Activities	Hours
Classroom-based activities (Lectures, seminars and practical sessions)	20
Guided activities	10
Independent study	30



Total	60

6. Assessment criteria

TOOLS	%	OBSERVATIONS
Ongoing assessment	80%	Class participation, practical exercises, case studies.
Final exam	20%	Presentation

