

**Course syllabus**

<b>Subject name</b>	Administrative and Regulatory Law
<b>Field of study</b>	Administrative Law, EU Law, Regulation, Competition Law
<b>ECTS credits</b>	3
<b>Semester</b>	2 (Spring)
<b>Language</b>	English
<b>Professor/s</b>	José Carlos Laguna de Paz
<b>Department</b>	Public Law (Administrative Law)
<b>Contact details (E-mail, telephone)</b>	jclaguna@uva.es 983423000 ext. 4129

**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).

**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

List of topics:

1. The role of regulation
2. Multi-level regulation: State, European and international regulation
3. Parliamentary legislation
4. Regulatory and competition authorities
5. Legality, administrative discretion and judicial review
6. Administrative regulatory power, adjudication and public procurement
7. Access to the market
8. Supervision and regulatory toolbox
9. Competition law and State aid
10. Public undertakings
11. Non-contractual liability

### 4. Bibliography

BALDWIN, Robert, MARTIN CAVE, MARTIN LODGE. «Introduction: Regulation - The field and the developing agenda.» *The Oxford Handbook of Regulation*, Robert BALDWIN, Martin CAVE and Martin LODGE. Oxford University Press, 2010.

BALDWIN, ROBERT, MARTIN CAVE, MARTIN LODGE. «The Future of Regulation». *The Oxford Handbook of Regulation*, Robert BALDWIN, Martin CAVE and Martin LODGE. Oxford University Press, 2010.

— *Understanding Regulation*. Second Edition. Oxford University Press, 2012.

CRAIG, Paul, *Administrative Law*. 7<sup>th</sup> edition. Sweet&Maxwell, 2012.

— *EU Administrative Law*. 2<sup>nd</sup> Edition. Oxford University Press, 2012.

— «Judicial Review and Anxious Scrutiny: Foundations, Evolution and Application.» *Public Law*, no. 1 (2015): 60-78.

— «Judicial review in questions of law: a comparative perspective.» *En Comparative Administrative Law*, by Susan ROSE-ACKERMAN and Peter L. LINDSETH. Edward Elgar, 2010.

LEYLAND, Peter, ANTHONY, Gordon, *Administrative Law*, 8<sup>th</sup> edition, Oxford, 2012.

LAGUNA DE PAZ, José Carlos, *Derecho Administrativo Económico*, Third Edition, Civitas, 2020.

— «Administrative and judicial review of EU supervisory decisions in the banking sector», *Journal of Banking Regulation*, 2019, vol. 20, issue 2: 159-173.

— «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.
- «Protecting the Environment without Distorting Competition.» *Journal of European Competition Law & Practice*, 3, no. 3 (2012).
- «In Search of Efficiency in Telecoms. Agreements Between Undertakings in European Competition Law.» *Competition and Regulation in Network Industries*, 15 (2014): 357-381.

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
<b>Total</b>	<b>60</b>

## 6. Assessment criteria

TOOLS	%	OBSERVATIONS
Ongoing assessment	20%	Class participation, practical exercises, case studies, online activities.
Final exam	80%	Test, short essay or presentation