

Activities of Government Agencies

2014-2015

Degree awarded: Degree in Law

Academic year: 2nd

Term: third

Syllabus

Activities of Government Agencies completes the study of the general part of the discipline and begins the analysis of what is called the specialist part. The first part of the subject is still related to general aspects and studies the concepts of the administrative act and administrative procedure and analyses the control of government by the courts for administrative matters. The first topic is administrative procedure, a formal sequence of the string of acts defining government activity. The concept and principles are studied first, followed by an analysis of the stages of common administrative procedure and an examination of the rights enjoyed by private individuals, whether they are interested parties or not. The next aspect to be introduced is the act which, roughly speaking, creates, alters or terminates an individual legal situation in the exercise of an administrative power. The act and institution of administrative silence are then examined, followed by the validity, effectiveness and implementation of administrative acts.

The section referring to the control of the government by both administrative and judicial means begins at Topic 5, and special emphasis is placed on adversarial-administrative dispute proceedings.

The specialist part of administrative law begins at Topic 6 and deals with the main forms or manifestations of government activity, government agencies' pecuniary liability and procurement. It therefore covers the study of government agency authorisations, public service, subsidies, administrative sanctions, pecuniary liability and procurement.

The specialist part of the course involves applying the general concepts and institutions studied during the first two years of the discipline (the principle of criminal legality, decision-making powers, administrative procedures and acts, control of government agency activity). Students will find that the constitutional basis of the organisation and operation of the government and other concepts learned on various public law courses help them to acquire an overall understanding of the interaction between public bodies and citizens.

Topics 6 to 9 study the forms of government activity, that is, the description and analysis of the main typical manifestations of government agency activity. According to established criteria this activity is usually classed as limitation activity (authorisations and licences); supporting activity (subsidies); public service; public initiative in economic activity, arbitration activity and sanctioning activity. Attention is paid to all

these manifestations and especially to those which are most relevant from a legal point of view, which are authorisations, administrative sanctions and public service.

Topics 10 and 11 look at administrative liability and government contracts. These institutions have already been studied in Civil Law and it is now a question of analysing certain points in relation to which the presence of government agencies involves a substantial modulation of the institution as it is recognised by private law. So, students do not study procurement again but examine the distinguishing features of government procurement (cases in which its application proceeds, contractor selection procedures, unilateral contract termination prerogatives, competent jurisdiction). The general institution of non-contractual liability is not studied but certain peculiarities of the government's pecuniary liability are, such as its objective nature, the procedure to follow in submitting a claim and the competent jurisdiction.

The course closes with the study of the institution of compulsory purchase and public property, which to some extent could be said to touch on public land law.

Topic 12 looks at compulsory purchase, that is, the government power which best expresses the constitutional provision that the content of the right to property be conditioned by its social function. The topic of compulsory purchase looks at the circumstances of public utility or social interest and the procedural requirements and fair compensation through which individuals may be deprived of a specific asset belonging to them.

Topic 13 studies public assets from a legal point of view, both those which are the property of government agencies and those referred to as public property and which are affected by public use or involve a public service. Students look at the typology of public assets and especially at aspects of their legal regime which differ from those of private law, in particular the public powers provided for in the legal system for the protection and management of these assets.

Topic 1: Administrative procedure. The interested party.

Topic 2: Administrative acts: concept and elements. Administrative silence.

Topic 3: The administrative act: validity, effectiveness and implementation.

Topic 4: Control of the government.

Topic 5: Adversarial-administrative proceedings.

Topic 6: General approach and limitation activity.

Topic 7: Supporting activity.

Topic 8: Service provision and economic activity.

Topic 9: Administrative sanctions.

Topic 10: Administrative liability.

Topic 11: Government contracts.

Topic 12: Compulsory purchase.

Topic 13: Public assets.

Topic 14. Special regimes for public property.