ADMINISTRATIVE LAW

**Bachelor in Philosophy, Politics, Law and Economics PPLE
SEP-2023 AL-PP.2.S.A**
Area Public Law and Global Governance
Number of sessions: 30
Academic year: 23-24
Degree course: SECOND
Number of credits: 6.0
Semester: 2º
Category: COMPULSORY
Language: English

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Fernando Pastor Merchante is Tenured Associate Professor of Law at IE University/IE Law School. He holds a double bachelor degree in Law and Political Science by Universidad Autónoma de Madrid (Spain), a Master of Laws (LL.M.) by Columbia University School of Law (New York, US) and a Ph.D. in Law by the European University Institute (Florence, Italy). He has served as stagiaire at the Court of Justice of the European Union and as legal advisor for the Spanish Government.

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SUBJECT DESCRIPTION

Administrative law is the law that disciplines the operation of the executive branch of government. It is therefore concerned with the organization and decision-making processes of administrative authorities. Administrative law serves two purposes. The first purpose is to ensure that administrative authorities discharge their constitutional functions. From this perspective, administrative law is concerned with the effectiveness and efficiency of administrative action. The second purpose is to prevent abuse of power and to keep administrative authorities under check. From this perspective, administrative law is concerned with the tools that private actors have at their disposal to fight administrative action.

LEARNING OBJECTIVES

- Understand and describe the main rules, principles and doctrines through which administrative law keeps the administration under check (LO 1)
- Make appropriate use of the different sources of administrative law and properly interpret the relations between them (LO 2)
- Assess whether the administration has overstepped its powers in hypothetical or real life scenarios (LO 3)
- Identify and discuss the most appropriate ways to enforce correction of administrative misbehavior (LO 4)
- Integrate the relevant knowledge and skills gained in this course with the other legal disciplines of the curriculum (LO 5)
- Understand and critically assess administrative governance structures in contermporary democratic societies (LO 6)
- Understand and critically assess the role of the independent judiciary in the legality review of administrative action (LO 7)
- Identify the human rights risks raised by administrative action and the legal mechanisms of redress against those risks (LO 8)
- Identify and understand the interplay between the different tools that legal orders use to ensure legal compliance by administrative authorities (LO 9)

TEACHING METHODOLOGY

IE University teaching method is defined by its collaborative, active, and applied nature. Students actively participate in the whole process to build their knowledge and sharpen their skills. Professor's main role is to lead and guide students to achieve the learning objectives of the course. This is done by engaging in a diverse range of teaching techniques and different types of learning activities such as the following:

Classes in this course shall combine lectures, discussions and formative assessments (assignments). Students are required to prepare in advance the readings assigned for each class and to complete take-home assignments set by their instructor. Take-home assignments may take the form of essays, research papers and cases.

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	13.33 %	20.0 hours
Discussions	13.33 %	20.0 hours
Exercises in class, Asynchronous sessions, Field Work	13.33 %	20.0 hours
Group work	13.33 %	20.0 hours
Individual studying	46.67 %	70.0 hours
TOTAL	100.0 %	150.0 hours

PROGRAM

1. THE ADMINISTRATION AND THE MEANING OF ADMINISTRATIVE LAW

SESSIONS 1 - 2 (LIVE IN-PERSON)

Sustainability Topics:

- Governance

The constitutional position of the executive?.

Book Chapters: Reading package session 1-2 (CED)

SESSIONS 3 - 4 (LIVE IN-PERSON)

Sustainability Topics:

- Governance

The structure of the executive?.

Book Chapters: Reading package session 3-4 (CED)

SESSIONS 5 - 6 (LIVE IN-PERSON)

Sustainability Topics:

- Environment
- Governance
- Social Challenge

The functions of the executive.

Book Chapters: Reading package session 5-6 (CED)

2. FORMS OF ADMINISTRATIVE ACTION

SESSIONS 7 - 8 (LIVE IN-PERSON)

Sustainability Topics:

- Environment
- Governance
- Social Challenge

Administrative regulations.

Book Chapters: Reading package session 7-8 (CED)

SESSIONS 9 - 10 (LIVE IN-PERSON)

Sustainability Topics:

- Environment
- Governance
- Social Challenge

?Administrative decisions.

Book Chapters: Reading package session 9-10 (CED)

3. ADMINISTRATIVE JUSTICE

SESSIONS 11 - 12 (LIVE IN-PERSON)

Sustainability Topics:

- Governance

Models of administrative justice.

Book Chapters: Reading package session 11-12 (CED)

SESSIONS 13 - 14 (LIVE IN-PERSON)

Sustainability Topics:

- Governance

?Judicial review of administrative action?.

Book Chapters: Reading package session 13-14 (CED)

SESSION 15 (LIVE IN-PERSON)

Mid-term exam?.

4. EU ADMINISTRATIVE LAW

SESSIONS 16 - 17 (LIVE IN-PERSON)

Sustainability Topics:

- Governance
- Social Challenge

The structure of the EU administration and the meaning of EU administrative law?.

Book Chapters: Reading package session 16-17 (CED)

SESSIONS 18 - 19 (LIVE IN-PERSON)

Sustainability Topics:

- Governance

Judicial review of EU administrative action.

Book Chapters: Reading package session 18-19 (CED)

5. PRINCIPLES OF ADMINISTRATIVE JUSTICE

SESSIONS 20 - 21 (LIVE IN-PERSON)

Sustainability Topics:

       - Governance

 Due process.

Book Chapters: Reading package session 20-21 (CED)

SESSIONS 22 - 23 (LIVE IN-PERSON)

Sustainability Topics:

       - Governance

       - Social Challenge

 Property.

Book Chapters: Reading package session 22-23 (CED)

SESSIONS 24 - 25 (LIVE IN-PERSON)

Sustainability Topics:

       - Governance

 Proportionality.

Book Chapters: Reading package session 24-25 (CED)

SESSIONS 26 - 27 (LIVE IN-PERSON)

Sustainability Topics:

       - Governance

 Legal certainty and legitimate expectations.

Book Chapters: Reading package session 26-27 (CED)

SESSIONS 28 - 29 (LIVE IN-PERSON)

Sustainability Topics:

       - Governance

 Transparency.

Book Chapters: Reading package session 28-29 (CED)

SESSION 30 (LIVE IN-PERSON)

 Final exam.

EVALUATION CRITERIA

criteria	percentage	Learning Objectives	Comments

Final Exam	30 %		Scheduled for session 15. Students who fail to sit the mid-term exam will be awarded a 0. No exceptions will be made. Rescheduling is not allowed. Learning Objectives: 1,2,3,4,5,6,7,8,9
Class Participation	20 %		Grade based on the quality of the contributions of each student to the discussions held in class. Learning Objectives: 1,2,3,4,5,6,7,8,9
Individual & group work	20 %		Assignments: grade based on the results obtained by each student in the formative assessments comleted throughout the course, some of which may be individual and some of which may be group assignments. Learning Objectives: 1,2,3,4,5,6,7,8,9
Mid-term Exam	30 %		Mid-term exam: scheduled for session 15. Students who fail to sit the mid-term exam will be awarded a 0. No exceptions will be made. Rescheduling is not allowed. Learning Objectives: 1,2,3,4,5,6,7,8,9

RE-SIT / RE-TAKE POLICY

Any student whose weighted final grade in the first (or third) call is below 5 will be required to sit for the retake exam in order to pass the course (except those not complying with the attendance rules, who go directly to the third call). Grading for retakes will be subject to the following rules:

- The retakes will consist of a comprehensive written or oral exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.

- The passing grade for the retake is 5 and the grade is capped at 8 out of 10. The third attempt

will require the student to complete a final exam (oral or in writing).

- Dates and location of the retakes will be posted in advance and will not be changed.

BEHAVIOR RULES

Please, check the University's Code of Conduct [here](). The Program Director may provide further indications.

ATTENDANCE POLICY

Please, check the University's Attendance Policy [here](). The Program Director may provide further indications.

ETHICAL POLICY

Please, check the University's Ethics Code [here](). The Program Director may provide further indications.