



Information about the subject

Degree: Bachelor of Arts Degree in Law

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 310201 **Name:** Administrative Law II

Credits: 6,00 **ECTS Year:** 2 **Semester:** 1

Module: Constitutional and Administrative Law

Subject Matter: Public Law **Type:** Compulsory

Field of knowledge: Social and Legal Sciences

Department: -

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

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Module organization

Constitutional and Administrative Law

Subject Matter	ECTS	Subject	ECTS	Year/semester
Public Law	30,00	Administrative Law I	6,00	1/2
		Administrative Law II	6,00	2/1
		Administrative Law III	6,00	2/2
		Constitutional Law	6,00	1/1
		Economic Administrative Law	6,00	3/2

Recommended knowledge

To study Administrative Law II, it is recommended that the student take Constitutional Law and Administrative Law I first, though having done so or having passed those subjects is not a prerequisite.



Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 To identify and distinguish the different activities that can be developed by the Administration.
- R2 To know and recognize an administrative act, its types, elements, and conditions of effectiveness.
- R3 To identify the assumptions of nullity and annulment of an administrative act, its causes and effects.
- R4 To understand the principle of enforceability of administrative acts and distinguish the powers of the Administration to enforce them.
- R5 To identify the different phases of the administrative procedure.
- R6 To understand the meaning of e-Administration and be able to apply in practice the effects of the computerization of the administrative procedure.
- R7 To understand the principles of the State's patrimonial responsibility and to be able to apply them in a patrimonial responsibility procedure.
- R8 To understand the basis, scope, and principles of the sanctioning power of the Administration and be able to apply them in a procedure. Principles and the sanctioning procedure.
- R9 To know the theory of the review of acts in administrative proceedings and to distinguish the legal institutions that compose it.
- R10 To know and apply in practice the ex officio review procedures and the system of administrative appeals.



Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL		Weighting			
		1	2	3	4
CG1	Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.				X
CG2	Analysis and synthesis capacity			X	
CG3	Capacity for organization and planning		X		
CG4	Problem-solving capacity.				X
CG5	Computer skills related to the field of knowledge.			X	
CG6	To be able to effectively obtain information from books and specialized journals, and from other sources.				X
CG7	Critical reasoning when analysing information.				X
CG8	Ethical commitment to information management.			X	
SPECIFIC		Weighting			
		1	2	3	4
CE1	To become aware of the Law as an orderly system of legal norms regulating social relations.		X		
CE2	Understanding of the different ways of creation of Law in its historical evolution and in its current reality, assimilating the existence of subordinate and supranational legal systems and the forms in which they are articulated.		X		



CE3	Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.				X
CE4	Ability to understand and know how local, regional, state, community, and international institutions work, in their genesis and as a whole, and to identify the competent institution or administration in each case as well as the sectoral law applicable in each case.	X			
CE14	Ability to lodge appeals against acts of the different bodies of the various administrations or institutions.				X
CE16	Acquisition of a critical conscience in the analysis of the legal system and acquisition of values and ethical principles.				X
CE18	To learn how to use the existing legal bibliographic information.		X		
CE19	Ability to handle the different legal sources (legal, jurisprudential and doctrinal).				X
CE20	Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).				X
CE21	Ability to read and interpret legal texts.				X
CE22	Ability to make legal arguments.				X



Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R3, R4, R6, R7, R8, R10	40,00%	Practical tests
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	20,00%	Attendance, active participation and favourable attitude in the subject/ course/ module
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	40,00%	Written theoretical tests

Observations

To pass the subject is necessary to **overcome the final theory test within a minimum rating of 5 out of 10** and to reach a minimum rate of 5 out of 10 combining all the assessment tools.

Attendance and active participation: attendance counts (10%) and active participation 10%.

The teacher will assess attendance by means of tracking logs of attendance and participation. Students have 7 days to justify an attendance.

Second call: If the student fails at first call, the grade obtained in the evaluation assessment tools different from the final theory test (attendance, practical activities) will average with the second call written test.

MENTION OF DISTINCTION: According to Article 22 of the Regulations governing the Evaluation and Qualification of UCV Courses, the mention of "Distinction of Honor" may be awarded by the professor responsible for the course to students who have obtained, at least, the qualification of 9 over 10 ("Sobresaliente").

The number of "Distinction of Honor" mentions that may be awarded may not exceed 5% of the number of students included in the same official record, unless this number is lower than 20, in which case only one "Distinction of Honor" may be awarded.

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Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- M1 Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.
- M8 Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.
- M9 Supervised monographic sessions with shared participation.
- M10 Application of interdisciplinary knowledge.
- M11 Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M12 Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.
- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.
- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.



IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1	R1, R3, R4, R6, R7, R8, R10	18,00	0,72
Theoretical classes. M8	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	28,00	1,12
Seminar. M9	R7	2,00	0,08
Presentation of group work. M10	R3, R4, R6, R7, R8, R10	4,00	0,16
Tutorial. M11	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	2,00	0,08
Assessment M12	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	6,00	0,24
TOTAL		60,00	2,40

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M13	R1, R3, R4, R6, R7, R8, R10	27,50	1,10
Individual work. M14	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	62,50	2,50
TOTAL		90,00	3,60



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
SECTION 1. THE DIFFERENT ACTIVITIES OF THE PUBLIC ADMINISTRATION.	<ul style="list-style-type: none">1.1. Definition of the different activities of public administration.1.2. Police functions and administrative intervention.1.3. Public Promotion.1.4. Public Services.1.5. Other activities of the Administration.1.6. The inactivity of the Administration.
SECTION 2. THE ADMINISTRATIVE PROCEDURE.	<ul style="list-style-type: none">2.1. Definition and regulation of the administrative procedure.2.2. Principles of the administrative procedure.2.3. Parties of the administrative procedure. Electronic relations with the Public Administrations.2.4. Rights and duties of the parties.
SECTION 3. GENERAL RULES OF PRACTICE IN THE ADMINISTRATIVE PROCEDURE. PARTICULAR REFERENCE TO ELECTRONIC PROCEDURE.	<ul style="list-style-type: none">3.1. Submission of written Statements and Documents.3.2. Deadlines in the administrative procedure.3.3. Notification in the administrative procedure.
SECTION 4. PHASES OF THE ADMINISTRATIVE PROCEDURE.	<ul style="list-style-type: none">4.1. Initiation of the Administrative Procedure.4.2. Organisation of the Administrative Procedure.4.3. Investigation.4.4. Termination.4.5. Duty to resolve and Administrative silence.
SECTION 5. ADMINISTRATIVE ACTS.	<ul style="list-style-type: none">5.1. Concept and kinds of administrative acts.5.2. Elements of administrative acts.5.3. The effectiveness of administrative acts.5.4. The invalidity of administrative acts.5.5. Procedures and means of forceful execution of administrative acts.



SECTION 6. ADMINISTRATIVE LIABILITY.

- 6.1. Requirements of accountability on the part of the Administration.
- 6.2. The quantification of damages.
- 6.3. Action back to the authorities and staff at the service of the Public Administration.

SECTION 7. SANCTIONING POWERS.

- 7.1. Introduction to the sanctioning authority.
- 7.2. The principles of the sanctioning authority.
- 7.3. Procedure.

SECTION 8. ADMINISTRATIVE AND OTHER NON-JUDICIAL CONTROLS.

- 8.1. Automatic review and revocation of administrative acts.
- 8.2. Administrative remedies.
- 8.3. Specialized external controls.



Temporary organization of learning:

Block of content	Number of sessions	Hours
SECTION 1. THE DIFFERENT ACTIVITIES OF THE PUBLIC ADMINISTRATION.	3,00	6,00
SECTION 2. THE ADMINISTRATIVE PROCEDURE.	3,00	6,00
SECTION 3. GENERAL RULES OF PRACTICE IN THE ADMINISTRATIVE PROCEDURE. PARTICULAR REFERENCE TO ELECTRONIC PROCEDURE.	4,00	8,00
SECTION 4. PHASES OF THE ADMINISTRATIVE PROCEDURE.	4,00	8,00
SECTION 5. ADMINISTRATIVE ACTS.	5,00	10,00
SECTION 6. ADMINISTRATIVE LIABILITY.	4,00	8,00
SECTION 7. SANCTIONING POWERS.	4,00	8,00
SECTION 8. ADMINISTRATIVE AND OTHER NON-JUDICIAL CONTROLS.	3,00	6,00



References

MANDATORY REFERENCE TO PASS THE THEORETICAL CONTENT OF THE COURSE:

- SÁNCHEZ MORÓN, M.** *Derecho administrativo: parte general*. Madrid: Tecnos, 17ª edición, 2021.
- SANTAMARIA PASTOR, J. A.** *Principios de Derecho administrativo general*, Vol. II. Madrid: Iustel, 5ª edición, noviembre de 2018.

COMPLEMENTARY REFERENCES:

- BERMEJO VERA, J.** *Derecho Administrativo básico*. Cizur Menor (Navarra): Thomson Civitas, 13rd edition, 2019.
- BOCANEGRA SIERRA, R.E.** *La teoría del acto administrativo*. Madrid: Iustel, 2005.
- COSCULLUELA MONTANER, L.** *Manual de Derecho Administrativo*. Cizur Menor (Navarra): Thomson Civitas, 31st edition, 2020.
- ESCUIN PALOP, V.** *Elementos de Derecho público*. Madrid: Tecnos, 10th edition, 2019. This work is convenient for a quick and general introduction to this module.
- GARCÍA DE ENTERRÍA, E.: FERNÁNDEZ, T.R.** *Curso de Derecho administrativo*. Vols. I y II. Madrid: Civitas, 19th edition (Vol I); 16th edition (Vol II), 2020.
- JORDANA DE POZAS, L.** "El problema de los fines de la actividad administrativa" *RAP*, nº 4, Enero/Abril 1951, pages 11 – 28.
- MARTIN REBOLLO, I y GÓMEZ PUENTE, M.** *La inactividad de la Administración*. Cizur Menor (Navarra): Aranzadi, 4th edition, 2011.
- MENÉNDEZ REXACH, Á.** "El control judicial de la inactividad de la Administración". *Anuario de la Facultad de Derecho de la Universidad Autónoma de Madrid*, Nº 5, 2001, pages 163-186.
- MUÑOZ MACHADO, S.** *Tratado de Derecho Administrativo y Derecho Público General*. Madrid: Boletín Oficial del Estado, 2015.
- PALOMAR OLMEDA, A.** *Procedimiento administrativo*. Cizur Menor (Navarra): Thomson Reuters-Aranzadi, 3rd edition, 2022.
- PARADA VAZQUEZ, R.** *Derecho Administrativo II*. Madrid: Dykinson, 1st edition, 2019.
- BERNAD SORJÚS, B (coord.)**. *Práctica de recursos administrativos y recursos contencioso-administrativo*. Barcelona: Editorial Atelier, 2nd edition, 2021.
- RUIZ DE PALACIOS VILLAVARDE, J.I.** *Manual práctico. Memento práctico de responsabilidad patrimonial de la Administración 2018-2019*. Madrid: Ediciones Francis y Taylor, 2017.
- SERVICIO JURÍDICO DEL ESTADO.** *Manual de Derecho Sancionador. Vols I y II*. Cizur Menor (Navarra): Thomson-Aranzadi. 3rd edition, 2014.



Addendum to the Course Guide of the Subject

Due to the exceptional situation caused by the health crisis of the COVID-19 and taking into account the security measures related to the development of the educational activity in the Higher Education Institution teaching area, the following changes have been made in the guide of the subject to ensure that Students achieve their learning outcomes of the Subject.

Situation 1: Teaching without limited capacity (when the number of enrolled students is lower than the allowed capacity in classroom, according to the security measures taken).

In this case, no changes are made in the guide of the subject.

Situation 2: Teaching with limited capacity (when the number of enrolled students is higher than the allowed capacity in classroom, according to the security measures taken).

In this case, the following changes are made:

1. Educational Activities of Onsite Work:

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject will be made through a simultaneous teaching method combining onsite teaching in the classroom and synchronous online teaching. Students will be able to attend classes onsite or to attend them online through the telematic tools provided by the university (videoconferences). In any case, students who attend classes onsite and who attend them by videoconference will rotate periodically.

In the particular case of this subject, these videoconferences will be made through:

☒ Microsoft Teams

☐ Kaltura



Situation 3: Confinement due to a new State of Alarm.

In this case, the following changes are made:

1. Educational Activities of Onsite Work:

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject, as well as the group and personalized tutoring, will be done with the telematic tools provided by the University, through:

☒ Microsoft Teams

☐ Kaltura

Explanation about the practical sessions:



2. System for Assessing the Acquisition of the competences and Assessment System

ONSITE WORK

Regarding the Assessment Tools:

☒ The Assessment Tools will not be modified. If onsite assessment is not possible, it will be done online through the UCVnet Campus.

☐ The following changes will be made to adapt the subject's assessment to the online teaching.

Course guide		Adaptation	
Assessment tool	Allocated percentage	Description of the suggested changes	Platform to be used

The other Assessment Tools will not be modified with regards to what is indicated in the Course Guide.

Comments to the Assessment System: