



## IDENTIFYING DATA

### Administrative law 1

Subject	Administrative law 1			
Code	V03G720V01311			
Study programme	PCEO Grado en Administración y Dirección de Empresas/Grado en Derecho			
Descriptors	ECTS Credits	Choose	Year	Quadmester
	9	Mandatory	3rd	1st
Teaching language	Spanish			
Department				
Coordinator	Fernández Acevedo, Rafael			
Lecturers	Fernández Acevedo, Rafael Sobрино García, Itziar			
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Web				
General description	Study of the main questions of general part of the Administrative Law			
	English Friendly subject: International students may request from the teachers: a) materials and bibliographic references in English, b) tutoring sessions in English, c) exams and assessments in English.			

## Skills

Code	
A1	Students will have shown they have sufficient knowledge and understanding of an area of study, starting after completion of general secondary education, and normally reaching a level of proficiency that, being mostly based on advanced textbooks, will also include familiarity with some cutting-edge developments within the relevant field of study.
A3	Students will be able to gather and interpret relevant data (normally within their field of study) that will allow them to have a reflection-based considered opinion on important issues of social, scientific and ethical nature.
A4	Students will be able to present information, ideas, problems and solutions both to specialist and non-specialist audiences.

## Learning outcomes

Expected results from this subject	Training and Learning Results
New	A1 A3 A4

## Contents

Topic
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Lesson 1- The Administrative Law and the Public Administration: concept and characters; legal sources, in particular the by-law.	<ol style="list-style-type: none"> <li>1. The Administrative Law determined by the concept of Public Administration</li> <li>2. The characters of Administrative Law</li> <li>3. The legal system</li> <li>4. The Administrative Law and the rules with force of law</li> <li>5. The by-law <ol style="list-style-type: none"> <li>a. Concept</li> <li>b. Justification of the regulatory power</li> <li>c. Distinction between the by-laws and the administrative acts</li> <li>d. The singular non-derogability of the by-laws</li> <li>e. The relations between the law and the by-law</li> <li>f. Kinds of by-laws</li> <li>g. Formal and material limits which condition the validity of the by-laws</li> <li>h. The illegal by-laws. Mechanisms of control of the legality of the by-laws</li> </ol> </li> </ol>
Lesson 2- The subjects: The Public Administrations and their organization. The citizen	<ol style="list-style-type: none"> <li>1. The public sector</li> <li>2. The Public Administrations <ol style="list-style-type: none"> <li>a. The legal personality of the Administration</li> <li>b. The diversity of Public Administrations</li> <li>c. The capacity of the public legal entities</li> <li>d. The administrative bodies. The competence</li> <li>e. The organization of the Spanish territorial Administrations</li> <li>f. The organization of the institutional Administrations and corporate entities</li> </ol> </li> <li>3. The citizen <ol style="list-style-type: none"> <li>a. Relations of supremacy or general and special subjection</li> <li>b. The ability to act and its amending circumstances</li> <li>c. The subjective legal situations</li> </ol> </li> </ol>
Lesson 3- Foundations of the administrative activity: the principle of legality of the Administration	<ol style="list-style-type: none"> <li>1. Contents of the principle of legality</li> <li>2. Concept of administrative power</li> <li>3. The mechanisms of attribution of powers to the Administration</li> <li>4. Kinds of administrative powers</li> <li>5. In particular, the discretionary power and its differences with the undetermined legal concepts</li> <li>6. Mechanisms of control of the discretion</li> </ol>
Lesson 4- The administrative acts: kinds, elements, effectiveness, validity. The administrative silence	<ol style="list-style-type: none"> <li>1. Concept of administrative act</li> <li>2. Elements of the administrative acts</li> <li>3. Kind of administrative acts: the relevance of the different criteria</li> <li>4. The effectiveness of the administrative acts <ol style="list-style-type: none"> <li>a. Concept</li> <li>b. La immediate effectiveness</li> <li>c. Exceptions to the immediate effectiveness: <ol style="list-style-type: none"> <li>i. Delayed effectiveness; notification and publication of the administrative acts</li> <li>ii. Early effectiveness</li> </ol> </li> </ol> </li> <li>5. Theory of invalidity: degrees of invalidity of the administrative acts <ol style="list-style-type: none"> <li>a. The voidability of the administrative acts</li> <li>b. Absolute nullity</li> <li>c. Non-invalidating irregularities</li> </ol> </li> <li>6. The problem of the inactivity of the Administration <ol style="list-style-type: none"> <li>a. The duty to resolve and notify. Deadlines</li> <li>b. Effects of the administrative silence</li> <li>c. Procedures initiated at the request of the interested party</li> <li>d. Procedures initiated ex oficio. Expiry</li> <li>e. Legal nature of the administrative silence: legal fiction or presumed act. The effectiveness of the presumed acts</li> <li>f. The deadlines to appeal for the administrative silence</li> <li>g. The administrative silence in Urban Law</li> </ol> </li> </ol>
Lesson 5- The administrative procedure	<ol style="list-style-type: none"> <li>1. The common administrative procedure and the "additional or different formalities". The electronic processing of the procedure.</li> <li>2. The general principles of the procedure</li> <li>3. The interested parties</li> <li>4. Terms and deadlines: its calculation</li> <li>5. Stages of the administrative procedure: initiation, proceedings and termination</li> </ol>

Lesson 6- The administrative remedies	<ol style="list-style-type: none"> <li>1. Concept and characteristics of the administrative remedies. Alternative procedures of challenge and claim</li> <li>2. Kinds of administrative remedies <ol style="list-style-type: none"> <li>a) Ordinary remedies (alzada and reposición)</li> <li>c) Extraordinary appeal: revision</li> <li>d) Special remedies</li> </ol> </li> <li>3. The revocation of the administrative acts <ol style="list-style-type: none"> <li>a) Revocation on the grounds of legality: the revision of null and voidable acts</li> <li>b) Revocation on the grounds of opportunity</li> </ol> </li> <li>4. The rectification of material, factual or arithmetical errors.</li> <li>6. The suspension of the effectiveness of the administrative acts in the event of administrative appeal or ex officio revision</li> </ol>
Lesson 7- Administrative coercion. In particular, the execution of the administrative acts	<ol style="list-style-type: none"> <li>1. The forced execution of the administrative acts <ol style="list-style-type: none"> <li>a. The premises for the execution</li> <li>b. Principles of the execution procedure</li> <li>c. Means of forces execution</li> </ol> </li> <li>2. The direct coercion</li> <li>3. De facto proceedings</li> </ol>
Lesson 8- Contracts of the public sector	<ol style="list-style-type: none"> <li>1. Introduction: agreements and contracts. Relevance of the European Union Law</li> <li>2. Subjective scope</li> <li>3. Excluded transactions and contracts</li> <li>4. Contracts of the public sector: delimitation criteria, system of legal sources and legal framework</li> <li>5. The parties of the contract</li> <li>6. Object, price, amount of the contract and guarantees The preparation of the contracts. Choice of the contractor, award and formalization of the contracts.</li> <li>7. Technical rationalization of the procurement</li> <li>8. The administrative organization for procurement management</li> <li>9. Invalidity regime and special appeal on public procurement</li> <li>10. Effects, compliance and extinction of contracts. In particular, the prerogatives of the Administration, the modification of contracts and the techniques to ensure the economic balance</li> <li>11. The typical administrative contracts</li> </ol>

## Planning

	Class hours	Hours outside the classroom	Total hours
Seminars	24	47.5	71.5
Lecturing	52.5	60	112.5
Problem and/or exercise solving	1	20	21

\*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

## Methodologies

	Description
Seminars	They Will develop the following activities with the aim of *repasar or deepen in the contained boarded in the sessions *maxistrais: Resolution of practical suppositions; analysis of specific contents; put in common and resolution of doubts; realization of an or several objective proofs; preparation of an administrative resource.
Lecturing	Exhibition by part of the professor of the main questions of each of the are afraid integrate the contents of the teaching guide, promoting the participation of the/the students by means of questions.

## Personalized assistance

Methodologies	Description
Seminars	We will address and resolve doubts expressed by students in relation to the content of the subject and with the completion of exercises and proposed works
Lecturing	We will address and resolve doubts expressed by students in relation to the content of the subject and with the completion of exercises and proposed works

## Assessment

Description		Qualification	Training and Learning Results
Seminars	In the "Seminars" of the kinds *presenciales also will propose to the students to realization of distinct activities: practical cases, oral exhibition of one fear, presentation written of one work, task *colaborativa in the classroom, etc. These activities only will be evaluated for them/the students/those that subject the continuous evaluation. In these *Semianrios will value the active participation of the students, is to say, the assistance more the participation of quality. The mere assistance no values .	35	A1 A3 A4
Lecturing	During the kinds *maxistrais, to the thread of the explanations, will expose to the students questions or supposed in fact so that the student develop reasonings or deductions related with the subject that explains . In this felt will evaluate the active assistance of the student in the kinds *maxistrais, is to say, the assistance more the participation of active quality in the tracking of the lessons of the active form indicated. The mere assistance no values . If no they posed questions in the sessions *maxistrais, this percentage of evaluation *acrecería to the of the specific activities developed in the seminars.	5	A1 A3 A4
Problem and/or exercise solving	The student will have to answer several questions (of theoretical cut and/or practical), stop those that the professor will be able to, in case to estimate it convenient, allow the utilization of legal texts.	60	A1 A3 A4

### Other comments on the Evaluation

To participate in a continuous assessment, it will be an essential requirement that the student upload their student file to the TEMA platform before the end of the month or the month of September. After said period, no changes will be admitted regarding the decision to continue or not to continuous assessment.

A qualification obtained through continuous assessment will be maintained in the second call of the academic year. To pass the subject it is necessary to obtain a pass between the final exam and a continuous assessment. The maximum qualification that can be obtained without a final exam will be 6, adding to the obtained score, not the exact exam that corresponds to a continuous assessment. In order for this sum to take place, it will be an essential requirement to obtain a minimum of 3 out of 6, not a final exam.

In all the summons or final exam it may consist of practical tests (resolution of practical cases), e / ou short response tests, and / or oral exam. All this type of evidence will be of short responsibility, it may consist, not in your case, non-development of the explanation of the matter in detail. Or that the students will not be asked for the total and merely theoretical development of two contents of a complete subject of the program.

By agreement of the Xunta de Facultade, the students who do not follow a continuous assessment or those who miss more than 15 percent of the session will attend a final theoretical-practical exam on or 100% of the note, different from the previous one, not that it will endorse the acquisition of all the global skills of the subject.

Extraordinary call end of degree: a) Type of exam: Students will carry out a theoretical-practical exam on a totality two contents gives matter; b) Assessment system: o 100% of the grade will change depending on the result of the theoretical-practical exam.

As datas and schedules of tests of assessment of different calls are specified as no calendar of tests

of approval approved by the Xunta de Facultade and published on the Web

<http://cienciasxuridicasedotraballo.webs.uvigo.es>.

It is not allowed to take or examine any electronic device.

### Sources of information

#### Basic Bibliography

Pablo Menéndez García y Antonio Ezquerro Huerva (Dir.), **Lecciones Derecho Administrativo**, última, Civitas Thomson Reuters, última

García de Enterría, Eduardo y Fernández, Tomás Ramón, **Curso de Derecho Administraivo I y II**, última, Thomsom Reuters,

Fernández Ramos, Severiano; Gamero Casado, Eduardo, **Manual básico de Derecho Administrativo**, última, Tecnos, Esteve Pardo, José, **Lecciones de Derecho administrativo**, última, Marcial Pons,

Martín Rebollo, Luis, **Leyes administrativas: Manual y normas básicas**, última, Civitas,

#### Complementary Bibliography

Valcárcel Fernández, Patricia (Dir.), **Compra conjunta y demanda agregada en la contratación del sector público.**

**Un análisis jurídico y económico**, 2016, Aranzadi,

Recuerda Girela, Miguel Ángel, **Lecciones de Derecho Administrativo con ejemplos**, 2018, Tecnos,

Martín Rebollo, Luis, **Leyes administrativas**, última, Aranzadi,

Gimeno Feliú, José María (dir.), **Estudio sistemático de la Ley de contratos del sector público**, Aranzadi, Thomson Reuters, 2018

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## **Recommendations**

### **Subjects that continue the syllabus**

Administrative law 2/V08G081V01503

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### **Subjects that it is recommended to have taken before**

Law: Constitutional law 1/V08G081V01103

Law: Constitutional law 2/V08G081V01204

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## **Contingency plan**

### **Description**

=== EXCEPTIONAL PLANNING ===

Given the uncertain and unpredictable evolution of the health alert caused by COVID-19, the University of Vigo establishes an extraordinary planning that will be activated when the administrations and the institution itself determine it, considering safety, health and responsibility criteria both in distance and blended learning. These already planned measures guarantee, at the required time, the development of teaching in a more agile and effective way, as it is known in advance (or well in advance) by the students and teachers through the standardized tool.

=== ADAPTATION OF THE METHODOLOGIES ===

The methodologies, contents, evaluation and tutorials are maintained with the exception that these will be carried out in full or by email, Fatic).

If this were the case, a contingency plan could be established that would lead to a mixed modality, in which a part of the student body will attend the classrooms in person and another part will follow the classes in a synchronous (preferably) or asynchronous way. In this case, the methodologies, personalized attention and assessment systems will also be maintained as indicated for the face-to-face modality, adapting the groups of the students and the shifts to comply with the health regulations established at the time.

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