

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Evropsko upravno pravo
Course title:	European administrative law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Javna uprava - 2. stopnja		1	2
Public Administration – 2nd degree		1	2

Vrsta predmeta / Course type

obvezni / mandatory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Sem. vaje Tutorial	Lab. vaje Laboratory work	Teren. vaje Field work	Samost. delo Individ. work	ECTS
30	0	0	0	0	270	10

Nosilec predmeta / Lecturer:

izr. prof. dr. Matej Avbelj

**Jeziki /
Languages:**
**Predavanja /
Lectures:** slovenski /
slovenian
Vaje / Tutorial:
Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Vpis v 1. letnik.

Prerequisites:

Enrollment in the 1st year of study.

Vsebina:

1. Pojem in razvoj evropskega upravnega prava
2. Institucionalni akterji evropskega upravnega prava
3. Načela evropskega upravnega prava
4. Pravno varstvo v okviru evropskega upravnega prava – EU raven
5. Pravno varstvo v okviru evropskega upravnega prava – nacionalna raven
6. Izbrani sodni primeri evropskega upravnega prava

Content (Syllabus outline):

1. Concept and development of European administrative law
2. Institutions of European Administrative Law
3. Principles of European Administrative Law
4. Remedies – the EU level
5. Remedies – national level
6. Selected cases of European administrative law

Temeljni literatura in viri / Readings:

1. Working Document: State of Play and Future Prospects for EU Administrative Law
2. Francois Lafarge, The Legal Basis and the Legal Constraints of EU Agencies (and the Transformation of the Executive Function in the EU)
3. European Commission, White Paper
4. Evropska komisija, Drugo ocenjevalno poročilo »EU Pilot«
5. Evropski parlament, Resolucija Evropskega parlamenta z dne 15. januarja 2013 s priporočili Komisiji o zakonu EU o upravnem postopku.
6. Uredba 182/2011 o komitologiji
7. Ellen Vos, 50 Years of European Integration, 45 Years of Comitology
8. Paul Craig, Delegated Acts, Implementing Acts and the New Comitology Regulation (izbirno)
9. The Comitology Procedure in Animal Health and Food Safety Legislation
10. Comitology between Political Decision-Making and Technocratic Governance: Regulating GMOs in the EU
11. Herwig Hofmann, Seven Challenges for EU Administrative Law
12. Common Approach to EU Agencies
13. Sami Andoura, Peter Timmerman, Governance of the EU: The Reform Debate on EU Agencies Reignited.
14. Johannes Saurer, The Accountability of Supranational Administration: The Case of European Agencies.
15. Joana Mendes, Good Administration in EU Law and the European Code of Good Administrative Behaviour

Cilji in kompetence:

Pričujoči predmet prispeva k razvoju naslednjih splošnih in specifičnih kompetenc študentov:

a) Splošne kompetence :

- sposobnost razumevanja temeljnih institutov javne uprave na ravni magistrskega strokovnega študija,
- poznavanje in razumevanje pravnih pojmov, pravnih pravil, pravnih načel s področja javnega prava,
- sposobnost in razvoj kritičnega mišljenja pri obravnavi temeljnih vprašanj, procesov in problemov,
- sposobnost poznavanja in izvirnega reševanja konkretnih sodnih, pravnih in drugih družbenih problemov,
- sposobnost prehoda od opisnega načina učenja do analitičnega učenja s poudarkom na samokritičnem

Objectives and competences:

The present course contributes to the development of following generic and specific competencies of students:

a) General competencies:

- ability to understand the fundamental institutes of public administration at the level of the master of professional studies,
- development of knowledge and understanding of legal concepts, rule of law, legal principles in the field of public law,
- ability and development of critical thinking in addressing the fundamental issues, processes and problems,
- ability and knowledge of the original resolution of concrete judicial, legal and other social problems,

mišljenju,

- sposobnost izboljšanja izbire in uporabe raziskovalnih metod glede na specifični problem,
- razumevanje nujnosti nevtralnega svetovnonazorskega pristopa pri reševanju problemov v javni upravi,
- izboljšanje učinkovitosti in nediskriminatornosti uporabe pridobljenega znanja,
- izboljšanje sposobnosti odločanja o temeljnih dilemah slovenske družbe v konkretnih primerih,
- vključevanje pridobljenega znanja v delovni proces in reševanje delovnih nalog,
- sposobnost iskanja utemeljenih alternativnih rešitev in njihovo uporabo pri konkretnih problemih,
- sposobnost pridobljenega znanja in veščin v prostovoljno delo,
- sposobnost interdisciplinarnega učenja in uporabe znanj iz različnih strokovnih področij,
- sposobnost predanega samostojnega dela in njegove samorefleksije,
- sposobnost skupinskega dela in odločanje ter mreženja na strokovnem področju,
- sposobnost iskanja rešitev in njihove uporabe v praksi,
- izboljšanje in razvoj govorniških sposobnosti v akademskem svetu in v praksi,
- razvoj sposobnosti pisanja strokovnih prispevkov na visoki strokovni ravni,
- sposobnost pravilnega citiranja v besedilu in na njegovem koncu.

b) Specifične kompetence

Predmet podaja temeljna znanja o upravno-pravnem delovanju Evropske unije, tako da združuje tako teoretično kot praktično raven.

- ability to transition from a descriptive way of learning to analytical learning with an emphasis on self-critical thinking,
- ability to improve the selection and application of research methods depending on the specific problem,
- understanding the necessity of a neutral philosophical approach to resolving problems in public administration,
- improving the efficiency and non-discriminatory use of knowledge gained,
- improving the ability to make decisions about the fundamental dilemmas of Slovenian society in concrete cases,
- integration of acquired knowledge in the work process and solving tasks,
- ability to search for compelling alternative solutions and their application to concrete problems,
- ability to employ acquired knowledge and skills in voluntary work,
- ability to employ interdisciplinary learning and to apply the knowledge from different areas of expertise,
- ability to work independently and self-reflective,
- ability to work in a team and decision-making and networking in the professional field,
- ability to search for solutions and their application in practice,
- improvement and development of oral and presentation skills in the academic world and in practice,
- develop the ability to write professional articles on a high professional level,
- ability to cite sources correctly in the text and at its end.

b) Specific competencies

This course offers basic competences in the field of administrative law of the European Union, facilitating the understanding both of theory and practice of European administrative

law.

Predvideni študijski rezultati:

Znanje in razumevanje:

Študent bo razumel delovanje Evropske unije v upravno-pravnem smislu. Spoznal bo pojem, razvoj, institucije in pravna sredstva v okviru evropskega upravnega prava, ki ga razumemo kot upravno pravo Evropske unije.

Intended learning outcomes:

Knowledge and understanding:

Students will understand the functioning of the EU in legal-administrative sense. She will become acquainted with the concept, evolution, institutions and legal remedies under European administrative law, which stands for the administrative law of the EU.

Metode poučevanja in učenja:

Poučevanje bo potekalo v obliki omiljene sokratske metode, z gradivi posredovanimi v naprej, katere bodo študenti morali prebrati pred predavanji.

Learning and teaching methods:

Teaching will be conducted on the basis of a milder version of a socratic method. The students will need to read the assigned materials in advance and actively participate in the classroom.

Načini ocenjevanja:

Način (pisni izpit, ustno izpraševanje, naloge, projekt)
Pisni izpit.

Delež (v %) /

Weight (in %)

Assessment:

Type (examination, oral, coursework, project):
Written exam.

100%

Reference nosilca / Lecturer's references:

Matej Avbelj je izredni profesor za evropsko pravo na Fakulteti za državne in evropske študije. Doktoriral je na Evropskem univerzitetnem inštitutu v Firencah, magistriral na NYU School of Law in diplomiral na Pravni fakulteti Univerze v Ljubljani. Kot sodniški pripravnik je služboval na Višjem sodišču v Ljubljani, praktične izkušnje pa je nabiral tudi v Evropskem parlamentu kot Robert Schuman stažist v oddelku za ustavne zadeve. Njegovo raziskovanje in akademsko delo je osredotočeno na pravo EU, ustavno pravo in teorijo prava. Aktiven je tudi v stanovskih akademskih in civilnodružbenih iniciativah tako doma kot po svetu. Njegova bibliografija je dostopna na: <http://splet02.izum.si/cobiss/bibliography?code=31643&langbib=eng>

Matej Avbelj is an Associate Professor of European Law at the Graduate School of Government and European Studies. He holds a PhD from the EUI and LLM from NYU School of Law. He graduated from Ljubljana Law School. He clerked in the European Parliament and at the Slovenian Court of Appeals. His academic and research work is focused on the law of the European Union, constitutional law and legal theory. He is active in professional associations and NGOs in Slovenia

and abroad. His bibliography can be accessed here:

<http://splet02.izum.si/cobiss/bibliography?code=31643&langbib=eng>