



FACOLTÀ DI GIURISPRUDENZA

SCHEDA OFFERTA FORMATIVA A.A. 2021/2022

Prof. Marco D'Alberti – Alfredo Moliterni

Comparative and European Administrative Law

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Facoltà:	Faculty of Law
Corso di studio:	European Studies (LM-90)
Anno di corso:	II
Insegnamento:	Comparative and European Administrative Law
N. totale ore insegnamento:	48
Settore scientifico- disciplinare (SSD):	IUS 10

N. totale Crediti formativi universitari CFU / ECTS:	6
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Contenuti del corso:	<p>The Course deals with the main features of European Administrative Law and examines both the principles and rules of administrative law that are provided for by EU Law, and the comparison among administrative laws of the member States of the Union. Attention will be paid to the global context as well.</p> <p>The Course is structured into the following main topics:</p> <ul style="list-style-type: none"> • Units and methods of comparison • Evolution of Administrative law in a comparative perspective • European Administrative Law: foundation and principles • Rule of Law and European legal order • Public Administrations and Administrative Agencies in a comparative perspective • Public administration and agencies in E.U. • Administrative decisions and rules • Administrative procedures: function, structure and models • Participation and “administrative democracy” • Transparency and Freedom of information • Judicial review of Administrative action: deference vs. hard look? • Principle of effective judicial protection in Europe • Liability of Public Administration • Public services and regulation of markets • Environmental protection and ecological transition • The future of Administrative law
Testi di riferimento:	S. Rose-Ackerman, P. L. Lindseth, B. Emerson (eds.), <i>Comparative administrative law</i> , II ed., Cheltenham (UK)-Northampton (USA), Edward Elgar Publishing, 2017. Mandatory chapters are:

	<ol style="list-style-type: none"> 1. B. Sordi, <i>Révolution, Rechtsstaat and the Rule of Law: historical reflections on the emergence and development of administrative law</i> (ch. 1). 2. P.L. Strauss, <i>Politics and agencies in the administrative state: the U.S. case</i> (ch. 3). 3. M. D'Alberti, <i>Transformations of administrative law: Italy from a comparative perspective</i> (ch. 7). 4. M. Shapiro, <i>A comparison of US and European independent commissions</i> (ch. 14). 5. J. Mashaw, <i>The rise of reason giving in American administrative law</i> (ch. 16). 6. J. Barnes, <i>Three generations of administrative procedures</i> (ch. 18). 7. C. Donnelly, <i>Participation and expertise: judicial attitudes in comparative perspectives</i> (ch. 22). 8. P. Craig, <i>Judicial review of questions of law: a comparative perspective</i> (ch. 23). 9. J. Mathews, <i>Proportionality review in administrative law</i> (ch. 24). 10. P. Cane, <i>A framework for historical comparison of control of national, supranational and transnational public power</i> (ch. 36).
Obiettivi formativi:	<p>The Course intends to:</p> <ul style="list-style-type: none"> • clarify object and tools of legal comparison in administrative law; • study the origins and transformations of public administration and administrative law; • analyze the concrete functioning of various administrative law systems, mainly but not only in Europe and E.U.
Prerequisiti:	<p>In order to be able to pass the exam is essential a thorough knowledge of the main institutions of public and constitutional law (both from the point of view of institutional organization, both from the point of view of fundamental rights) and civil law (contracts, public and private property and civil responsibility). A basic knowledge of the economic analysis of law may be useful too.</p>
Metodi didattici:	<p>The lessons are based on a dialectic approach, interactive and dynamic, able to actively involve students. Particular emphasis will be given to the case-law approach, including through the examination of national and supranational judgments.</p> <p>Attendance to classes is not mandatory, although strongly recommended.</p> <p>Students attending the Course will be offered the opportunity to present cases and discuss judgments of national and supranational Courts, including through a “Mock Trial” simulation.</p>

	<p>Students can write independent papers in English on topics related to the lectures, and eventually present and discuss them in class.</p>
Modalità di verifica dell'apprendimento:	<p>The final exam is oral and will be aimed at verifying the achievement of the educational objectives and the adequate understanding of the main issues of European and comparative administrative law.</p> <p>Students attending the course will have the opportunity to be periodically evaluated through the presentation of relevant cases and judgments that will be previously charged - for each teaching module - on the E-learning platform. The presentation of judgments and cases students should demonstrate an adequate critical capacity.</p>
Criteri per l'assegnazione dell'elaborato finale:	<p>The final thesis will be assigned to students who have attended the course and who have demonstrated a deep knowledge of administrative law, as well as a particular interest.</p> <p>Students can apply for the final dissertation at least 8 months before the session in which the dissertation will be discussed.</p>
Risultati di apprendimento attesi dall'insegnamento:	<ul style="list-style-type: none"> • Knowledge of the main contents of substantive administrative law. • Capacity to apply this knowledge in practice. • Capacity to interpret legal sources. • Autonomy of judgment. • Critical analysis of topics.
Breve curriculum del docente:	<p>Marco D'Alberti is Emeritus Professor of Administrative Law at the Faculty of Law of “Sapienza” University. He previously taught in the Universities of Camerino, Urbino, Ancona, at the High School of Public Administration, LUISS, and at Sapienza School of Political Science.</p> <p>He was Visiting Scholar at the Universities of Cambridge, Harvard and Yale; Visiting Professor at the University of Paris II - Panthéon-Assas and at Columbia University School of Law. He was Senior Research Fellow at Sapienza School for Advanced Studies and Director of the II level Master “Global Regulation of Markets” at the University of Rome “Sapienza”.</p> <p>He is member of the International Academy of Comparative Law, of the Société de législation comparée, of the Board of Directors of European Public Law Organization, and of the Council of the International Society of Public Law.</p> <p>He was member of many Government Committees and Commissioner of the “Autorità garante della concorrenza e del mercato” (Italian Competition Authority).</p> <p>He is the author of numerous books and essays in Administrative Law, Regulation of Markets, and</p>

Comparative Law.

Languages: Italian, English, French.

Alfredo Moliterni is Researcher of Administrative Law at the Law School of Sapienza University. He was Junior Research Fellow at Sapienza School for Advanced Studies.

He obtained the national scientific habilitation as Full professor of Administrative Law (2018).

He has carried out researches at Columbia Law School in New York (2010); Max Planck Institute for Comparative Public Law and International Law in Heidelberg (2015); Kadir Has University (Faculty of Law) in Istanbul (2015). He is member of the International Society of Public Law and member of the European Scientific Council at the European Public Law Organization in Atene, where he obtained the Intensive International Master of Laws in European Public Law too (2013).

He wrote a monography (“Amministrazione consensuale e diritto privato”, Napoli, 2016, pp. XIX, 1-493) and he is author of several essays on Administrative law, Public-private divide, Public services, Judicial Review, Energy and Environmental Regulation, Transparency of Administrative Action, Anticorruption Strategies.

He is member of Board of Directors of “Rivista Quadrimestrale di Diritto dell’Ambiente” (Giappichelli) and Member of the Scientific Editorial Staff of several legal journals and reviews.

He has been a member of Institutional Committees and has been legal adviser to the Ministry of Cultural Heritage and to the Italian Government.

Languages: Italian, English.