# Public Law (Economic Law)

## Gr.A-K: Prof. Pio G. Rinaldi; Gr. L-Z: Prof. Michele Massa

Gr. A-K: *Prof. Michele Massa*

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

Through a systematic explanation of the relevant topics, issues, and concepts, the course aims to familiarise students with the main principles which regulate the distribution and exercise of public powers. The course focuses on the Italian legal system, but in line with the supranational opening of the Italian system, it will also present basic notions of EU integration and relations with the international legal system as well as comparative elements on certain topics. The course will also study in depth some organisational and substantive principles that regulate public intervention in the economy.

At the end of the course, students will be able to:

1. know - with cultural, historical and comparative overtones - the fundamental categories of constitutional and public law, as well as understand the role, functions and intervention methods of government institutions, and guarantees at national level and within the EU (e.g. who is responsible for the annual public financial manoeuvre and how it should be carried out);

2. understand and analyse the essential aspects of public institutions' responsibilities and interventions, especially in the field of economic governance (for example, which documents incorporate the contents of a specific annual public finance manoeuvre, as well as the assessments of its adequacy and application);

3. have completed a first systematic contact with the sources of national and EU law, with the role of jurisprudence and doctrine, as well as with the typical method of public law, so as to be able to independently orientate themselves, in the first instance, in dealings with the sector (e.g. where and how to find the documents mentioned in the previous example and what importance to give their contents);

4. communicate information, ideas, problems and solutions to specialist and non-specialist interlocutors, with appropriate categories, language and method (for example, communicating and commenting with command, precision and source references, on the main contents of an annual manoeuvre);

5. study further independently in public law (e.g. public administration law and sciences for those who intend to study related subjects in the degree course or in subsequent training courses, including vocational courses) and in other sectors, in as much as they refer to notions of public law (for example, following on the above, when in economic studies reference is made to concepts such as the state budget, the annual manoeuvre or the European coordination of national budgets).

***COURSE CONTENT***

1. Law and society.

2. The various forms of government.

2. The Constitution.

3. The framework of sources of law.

4. The revision of the constitution and its limits.

5. The European Union and the Italian legal system.

6. Constitutional rights.

8. Popular sovereignty forms of implementation.

9. Parliament.

10. Government.

11. The President of the Republic:

12. Regions and local authorities:

13. Constitutional guarantees.

14. Public Administrations: constitutional principles and organisation

15. Administrative activity and administrative acts

16. Forms of protection against unlawful administrative activity

17. The "Economic Constitution"

18. Freedom and rights in economic relations

19. Competition disciplines

20. Public services

21. Privatisation

22. EU economic and monetary policy

23. Control of public finances

***READING LIST***

P. Caretti – U. De Siervo, *Diritto costituzionale e pubblico,* 3rd edition, Giappichelli, Turin, 2018.

S. Cassese (edited by), *La nuova Costituzione economica*, V edizione, Laterza, Roma-Bari, 2012 (last reprint 2019)

At the beginning of the course, in class and on the Blackboard course page, updated indications will be given on the manuals and specific sections of them to be studied, as well as on any other teaching materials, considering also any new editorial releases.

***TEACHING METHOD***

Frontal lectures, including the illustration and analysis of jurisprudential and topical cases.

For some of the topics covered in the lectures, in-depth seminars will be organised with the discussion of cases.

***ASSESSMENT METHOD AND CRITERIA***

The exam aims to evaluate the achievement of the educational objectives described above and the student's preparation, including the maturity achieved in the acquisition of adequate communication and argumentative skills.

The exam takes place in written form by way of open-ended questions. An interim written test, using open-ended questions, is planned for the first part of the programme. The interim test will be open to all students. Passing it will allow one to complete the examination on the second part of the programme in one of the three official summer exam sessions of the academic year in question.

In the assessment, clarity and precision of the answers will be particularly appreciated, especially with regard to the fundamental concepts, as well as the coherence and linearity of the analysis, synthesis and argumentation. It is essential to study the text of the Constitution and the main normative sources referred to in the lectures and in the reading list.

An excellent mark will be given to students who demonstrate a complete knowledge of the contents of the course and normative texts, together with the ability to move independently and critically between them, as well as to argue and express themselves in organic, precise and technically accurate language.

A good mark will be given to students who demonstrate a detailed knowledge of the normative texts and the course content and, importantly, of all the fundamental concepts, together with the ability to move between them with a certain degree of independence, as well as to argue and express themselves clearly and correctly.

A fair mark will be given to students who demonstrate an adequate knowledge of the fundamental course concepts, together with the ability to accurately identify the subject of the questions asked during the exam, as well as to express themselves without serious inaccuracies.

A pass mark will be given to students who know the essential features of the course and know how to orientate themselves in principle between these, expressing themselves without serious and repeated inaccuracies.

Gaps or serious errors in the basic concepts or in the text of the Italian Constitution, complete disorientation with respect to questions (untracked answers), or serious and repeated errors in language will see a student failing.

Further instructions will be given on the course Blackboard page.

***NOTES AND PREREQUISITES***

No specific prerequisites are required. The course includes, for interested students, the option of seminar tutorials, involving the discussion of cases, as well as in-depth study of some of the topics covered in the lectures. We strongly recommend attending the course through active participation in lectures and in the tutorials and in-depth studies.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG, or on the Faculty notice board.

*Gr. L-Z: Prof. Camilla Buzzacchi, Prof. Pio G. Rinaldi*

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

By systematically presenting the themes, problems and topics, the course aims to familiarise students with the basic factors governing the distribution and exercise of public authority. The course will focus primarily on Italian law in force, but in line with the increasingly supranational perspective of the latter, the course will also introduce key aspects of European integration, discuss the relationships between the Italian and international legal systems and make comparisons regarding certain topics. The course is dedicated to exploring certain fundamental and organisational principles governing the intervention of public authorities in the economy.

At the end of the course, students will:

1. know - including cultural, historic and comparative elements - the main aspects of constitutional and public law, and be able to understand the role, functions and intervention methods of government and guarantee institutions in the national context and in the EU (e.g. who is responsible for annual public finance measures and how are these implemented);
2. be able to understand and analyse, in terms of their key features, responsibilities and interventions by public institutions, notably in the area of economic government (e.g. which documents incorporate the content of a certain annual measure and assessment of its suitability and application);
3. will, for the first time, have systematically approached the sources of national and EU law on jurisprudence and theory, as well as to the traditional method of public law, leaving them able to make an initial independent approach to specific aspects of the sector (e.g. where and how to find the documents referred to in the previous example and how to judge the significance of their content);
4. be able to communicate information, ideas and problems to specialist and non-specialist audiences in an appropriate way, in terms of concepts, language and method;
5. will be able to independently approach public-law related studies and issues: e.g. other university courses on public law (e.g. tax law, administrative law) or incorporating substantial elements of public law (e.g. financial markets law); any post-graduate professionalising pathways (e.g. for preparing for public administration entry exams, or for specialisation in sectors and activities of relevance to public law); non-legal courses and areas of study that, as is frequently the case, relate to concepts of public law (e.g. as per the previous examples, when economic studies refer to concepts such as the state budget, the annual measures or the European coordination of national budgetary policies).

***COURSE CONTENT***

1 Introductory concepts

2. Forms of state

3. The Italian Republic

4. Constitutional rights

5. Constitutional duties

6. Citizenship

7. Equality

8. Status types

9. Regional autonomy in Italy

10. Forms of government

11. Italian parliamentarianism

12. Electoral systems

13. Italian parliamentary election systems

14. President of the Republic

15. The Judiciary

16. The Constitutional Court

17. The European Union

18. Sources of law

19. The Constitution

20. Law

21. Legislative decree

22. Decree law

23. Administrative regulations

24. International sources

25. European Union sources

26. Administration: introductory concepts and principles

27. Administrative organisation

28. Policy guidelines and administrative management

29. Regional administrations

30. Administrative power and legitimate interest

31. Acts and administrative measures

32. Administrative procedures

33. Flaws in administrative measures

34. Administrative self-regulation and administrative remedy

35. Administrative justice

36. "Economic constitution"

37. Rights and freedoms in economic relations

38. EU economic and monetary policy

39. Constitutional principles on government finance

40. Financial autonomy of local authorities

***READING LIST***

1. P. Caretti-U. De Siervo, *Diritto costituzionale e pubblico,* 5th edition, Giappichelli, Turin, 2020.

2. Alternatively, S. Cassese (ed.), *La nuova Costituzione economica*, 6th edition, Laterza, Rome-Bari, or F. Trimarchi Banfi, *Lezioni di diritto pubblico dell’economia*, 6th edition, Giappichelli, Torino, 2019.

Students will be provided with updated information (in class and via Blackboard) on the texts and specific parts to prepare, including newly published material.

***TEACHING METHOD***

Frontal lectures. Frontal practical classes: the discussion of texts and cases (taken from constitutional law). Optional individual activities: written reports related to certain topics covered in lectures, based on lectures, on the practical classes and on specifically identified further reading. Where possible, the course will incorporate real examples into its examination of the topics,

***ASSESSMENT METHOD AND CRITERIA***

The exam will be written in format and composed of open questions.

There will be an interim test on the first part of the syllabus, open to all students. This will also be in written format and composed of closed and open questions. The closed questions are primarily designed as “filters”, with the assessment being based on the open questions. Students who pass the test can proceed to the exam on the second part of the syllabus on the official exam dates of the academic year in question; if they fail or are rejected on the official exam dates, students can repeat the final exam in the same academic year, without sacrificing their positive mark for the interim test.

In particular, the examiner is looking for clarity and accuracy, particularly in relation to fundamental concepts, as well as coherence and logical progression when analysing and summarising information and presenting arguments. Students must study the text of the Constitution closely, especially its fundamental principles, and the main legal sources mentioned in lectures and in the texts on the reading list.

An excellent mark will be given to students who demonstrate a complete and detailed knowledge of the contents of the course and normative texts, together with the ability to move between these confidently and critically, as well as to argue and express themselves in organic, precise and technically accurate language.

A good mark will be given to students who demonstrate a broad knowledge of the normative texts and the course content and, importantly, a complete knowledge of the fundamental concepts, together with the ability to move between them independently, as well as to argue and express themselves clearly and correctly.

A fair mark will be given to students who demonstrate an adequate knowledge of the fundamental course concepts, together with the ability to accurately identify the subject of the questions asked during the exam, as well as to express themselves without serious inaccuracies.

A pass mark will be given to students who know the essential features of the course and know how to orientate themselves between these, expressing themselves without serious and repeated inaccuracies.

Gaps or serious errors in the fundamental content or in the text of the Italian Constitution, complete disorientation with respect to questions (untracked answers), or serious and repeated errors in language (specialist and general) will see a student failing. This is also the case where such shortcomings relate to only one of the various open-ended questions administered.

The individual activities carried out by each student will also contribute to the final mark, subject to the same criteria.

Further information may be provided, as required, on the Blackboard page of the course.

***NOTES AND PREREQUISITES***

There are no specific prerequisites, but some of the basic legal concepts (e.g. legal person, body) will be briefly explained, with reference to the discussion of them in private law institutions.

Students are strongly encouraged to attend and actively participate in lectures and practical classes, and to ask questions related to current developments in the area and issues raised on the course.

At the beginning of the course, the lecturer will specify the parts of the texts on the reading list that correspond to each of the lectures: although it is not obligatory, students are encouraged to read these texts before the lectures, to facilitate learning and interaction in class.