**Administrative Law 2**

## Prof. Giovanni D’Angelo

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

The course aims to present the system of administrative justice to students by illustrating the typical elements of protection in relation to the public administration and the rules of the administrative process.

The intended outcomes consist in students’ acquisition of the essential elements for the evaluation of the procedural protection of citizens' legal situations in relation to public entities, with special reference to their protection in the administrative process. In addition, the course is designed to enable students to study general procedural issues, to understand the fundamental importance of the constitutional principles in terms of protection of the citizen from the administration, to appreciate the continuity between the principles of substantive administrative law and the administrative law system.

***COURSE CONTENT***

The evolution of administrative justice in Italy; subjective legal situations in administrative law; constitutional principles on the protection of citizens against the public administration; the ordinary courts against the administration; administrative appeals; the administrative process; first instance judgement; precautionary measure; judgement and appeals; extraordinary proceedings; administrative judgement and enforcement of the sentence.

***READING LIST***

A. Travi, *Lezioni di giustizia amministrativa,* Giappichelli, Turin, last edition.

It is required to study the main laws on administrative justice; to this end it is recommended *Codice di giustizia amministrativa*, edited by G. D’Angelo, Giappichelli, Torino, last edition.

***TEACHING METHOD***

Classroom lectures illustrating the structure of the subject. Special attention will be given to the most complex and difficult profiles for the study of administrative justice. During lectures some concrete cases will be analysed in light of the most significant rulings, and the most important types of procedural documents will be presented.

***ASSESSMENT METHOD AND CRITERIA***

Students’ assessment will consist of an oral exam. Through questions concerning the various parts of the course content, the examiner will aim to verify the level of overall knowledge acquired by the candidates, their ability to critically address the topics analysed during lectures and to relate the various parts of the course content.

The oral exam will consist of a series of questions on the topics covered in the course and the final mark will result from the average of the scores obtained in the answers to these questions. The assignment of the final mark will depend on students’ mastery of argumentation (considering both the intrinsic quality of the argument and its breadth), their critical approach to the topics addressed in the course and their ability to establish relationships between them. In the exam assessment, particular emphasis will be given to student's ability to use correct and appropriate language and their understanding of the basic grounds underlying the principles that characterise administrative justice.

Students who demonstrate a comprehensive view of the themes addressed and their critical contextualisation, as well as mastery of expressive skills and specific language will be assessed with excellent marks (from 28 to 30 and praise). Correct answers, but not entirely complete, and appropriate language will lead to good evaluations (from 24 to 27). Unstructured synthetical and analytical skills and/or a correct but not always appropriate use of language will be assessed with satisfactory marks (from 21 to 23). Knowledge gaps and/or inappropriate language – although in a context characterised by minimal knowledge of the exam material - will lead to votes of minimum sufficiency (from 18 to 20). Serious knowledge gaps (related, for example, to the constitutional principles of administrative justice, to the fundamental principles of the subject, etc.), inappropriate language, lack of familiarity with the normative reference texts and basic deficiencies will integrate a negative assessment.

***NOTES AND PREREQUISITES***

Considering the issues addressed, students must possess the knowledge of the fundamental concepts of administrative law and civil procedure. A good knowledge of the constitutional principles and the institutional elements of private law (such as subjective legal situations, legal personality, the discipline of civil liability, etc.) is also required; along with the knowledge of the basic events of Italy’s recent history.

Furthermore, the Administrative Law 2 exam can be taken only after passing the Administrative Law 1 exam and the Civil Procedural Law exam (see Guida di Facoltà).

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.