

COURSE GUIDE

Administrative Procedure

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Approval date:

Derecho Administrativo: 08/06/2021

Derecho Procesal y Derecho Eclesiástico del Estado: 08/06/2021

Grado (Bachelor's Degree)	Bachelor's Degree in Business Administration and Management and Bachelor's Degree in Law	Branch	Social and Legal Sciences
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Module	Optativas Derecho	Subject	Proceso Administrativo
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Year of study	5 ^o	Semester	2 ^o	ECTS Credits	6	Course type	Elective course
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PREREQUISITES AND RECOMMENDATIONS

- It is recommended to have taken and, preferably passed, the courses of Procedural Law I and II, and the Basic Administrative Law courses (I and II) according to the itinerary marked for the course.
- For the English taught group, a B1 level of English is required, although a B2 level is recommended.

BRIEF DESCRIPTION OF COURSE CONTENT (According to the programme's verification report)

- The jurisdiction for judicial review: its origin, principles, scope and limits.
- Control of public Administration.
- The court system of the jurisdiction for judicial review.
- Jurisdiction (competences) of the contentious-administrative Courts.
- The appeal for judicial review: parties, object and demands.
- The ordinary procedure and specialties of the abbreviated (short) procedure.
- The special procedures.
- The ruling and the legal remedies (appeals) against it.
- Interim measures and enforcement of rulings.

SKILLS

GENERAL SKILLS



- CG01 - Competencia Instrumental. Capacidad de análisis y síntesis. Buscar, seleccionar, analizar y sintetizar información para poder formular juicios que procedan de una reflexión personal sobre temas académicamente relevantes
- CG02 - Competencia Instrumental. Comunicación oral y escrita. Expresar y transmitir adecuadamente ideas complejas, problemas y soluciones, de forma oral, a un público tanto especializado, y por escrito, en castellano.
- CG03 - Competencia Instrumental. Resolución de problemas. Aprender a aplicar conocimientos teóricos al trabajo personal de una forma profesional.
- CG04 - Competencia Instrumental. Capacidad de decisión.
- CG05 - Competencia Instrumental. Conocimiento de una lengua extranjera en el ámbito del Derecho. Expresar y transmitir adecuadamente ideas complejas, problemas y soluciones, de forma oral, a un público especializado, y por escrito, en una lengua extranjera.
- CG06 - Competencia Instrumental. Conocimiento de informática. Aprender a utilizar las nuevas tecnologías de la sociedad del conocimiento como instrumento de trabajo.
- CG07 - Competencia Interpersonal. Razonamiento crítico. Mostrar una actitud crítica ante la realidad y las ideas, y de apertura e interés por el trabajo intelectual y sus resultados.
- CG08 - Competencia Interpersonal. Compromiso ético. Analizar críticamente la dimensión ética y política de las instituciones, los problemas y las soluciones jurídicas.
- CG09 - Competencia Interpersonal. Trabajo en equipo. Aprender a trabajar en equipo y a asumir funciones de liderazgo en trabajos colectivos.
- CG10 - Competencia Interpersonal. Trabajo de carácter interdisciplinar.
- CG11 - Competencia Sistémica. Motivación por la calidad.
- CG12 - Competencia Sistémica. Aprendizaje autónomo. Aprender a diseñar, planificar y organizar el trabajo propio, fomentando la iniciativa y el espíritu emprendedor.
- CG13 - Competencia Sistémica. Adaptación a nuevas situaciones.
- CG14 - Competencia Sistémica. Sensibilidad hacia temas de la realidad social, económica y medioambiental.

SUBJECT-SPECIFIC SKILLS

- CE01 - Capacidad de leer e interpretar textos jurídicos.
- CE02 - Capacidad de redactar escritos jurídicos.
- CE03 - Desarrollo de la oratoria jurídica. Capacidad de expresarse apropiadamente ante un auditorio.
- CE06 - Tomar conciencia de la importancia del Derecho como sistema regulador de las relaciones sociales.
- CE07 - Conseguir la percepción del carácter unitario del ordenamiento jurídico y de la necesaria visión interdisciplinaria de los problemas jurídicos.
- CE08 - Capacidad para el manejo de fuentes jurídicas (legales, jurisprudenciales y doctrinales).
- CE10 - Dominio de las técnicas informáticas en la obtención de la información jurídica (Bases de datos de legislación, jurisprudencia, bibliografía).
- CE11 - Capacidad para utilizar la red informática (internet) en la obtención y selección de información y en la comunicación de datos.
- CE12 - Adquisición de una conciencia crítica en el análisis del ordenamiento jurídico.
- CE13 - Adquisición de valores y principios éticos.
- CE14 - Desarrollo de la capacidad de trabajar en equipo.
- CE17 - Comprensión de las distintas formas de creación del derecho en su evolución histórica y en su realidad actual.



LEARNING OUTCOMES

1. The primary aim is that the students learn a legal method that allows them to know, handle and face the court proceedings basically.
2. At the same time, in the English taught group, as the entire course is taught in English, students are expected to acquire basic legal knowledge in this language and a practice of the language in general.
3. After having taken the recommended courses, once the fundamental institutions of the subject-matter included in the respective general parts are known, it is pursued that, by taking the Administrative Court Procedure, the students end up with a theoretical and practical knowledge of the subject from the perspective of this procedural field, as necessary as it is unknown for citizens and not specialized legal professionals, but that can, nevertheless, become very present in anybody's life. Together with the training that the students already have in public Law, along with their knowledge of the civil procedure, the study of the essential aspects of the so-called Contentious-Administrative Procedure is added.
4. The objectives of the course are, consequently, to strengthen the basic general knowledge of the aforementioned disciplines and to apply in a more specific way the legal method in which the students have taken the first steps through the previous Administrative Law courses. This is intended for the acquisition by the students of:
 - The basic concepts, categories and general legal techniques of the subject matters of the syllabus to complete their legal training.
 - The knowledge of the sources of Contentious-Administrative Procedural Law, including its interpretation and application.
 - The concrete knowledge of the legal regime of the activity of judges and courts of the jurisdiction for judicial review, from an organizational and competence point of view, as well as well as the parties involved in the legal proceedings.
 - The knowledge of all the stages of the ordinary procedure, the abbreviated procedure and the special procedures, as well as the appeals system, the enforcement of judgments and the interim measures.
 - The necessary knowledge for the resolution of practical cases relying on the correct understanding and the use of legal reasoning.

PLANNED LEARNING ACTIVITIES

THEORY SYLLABUS

1. LESSON I: THE (CONTENTIOUS-ADMINISTRATIVE) JURISDICTION FOR JUDICIAL REVIEW.

- 1) Historical evolution. The Spanish system and other European states. The 1998 reform.
- 2) Judicial control over the activity of the Public Administration.
- 3) The scope of the jurisdiction for judicial review.
- 4) The bodies of the jurisdiction for judicial review.

2. LESSON II: THE APPEAL FOR JUDICIAL REVIEW.

- 1) Introduction.
- 2) The parties to the proceedings.
- 3) The object of the appeal.

3. LESSON III: THE JUDICIAL REVIEW PROCEDURE.



- 1) The ordinary procedure.
- 2) The abbreviated or short procedure.

4. LESSON IV: SPECIAL PROCEDURES.

- 1) Procedure for the protection of fundamental personal rights.
- 2) Question of illegality.
- 3) Procedure in cases of prior administrative suspension of resolutions.
- 4) Procedure to ensure market unity.
- 5) Procedure for a court order extinguishing a political party.

5. LESSON V: APPEALS AGAINST COURT DECISIONS.

- 1) Appeals against writs and orders.
- 2) Ordinary appeals to the next higher court.
- 3) Appeals to the Supreme Court.
- 4) The review of a final judgment.
- 5) Appeals for reversal against resolutions by the court clerk.

6. LESSON VI: EXECUTIVE ENFORCEMENT OF RULINGS.

- 1) The obligation of compliance.
- 2) Enforcement modes.
- 3) Voluntary compliance.
- 4) Compulsory enforcement.

7. LESSON VII: INTERIM MEASURES.

- 1) Right to and content of interim protection.
- 2) Procedure for the adoption of interim measures.
- 3) Effectiveness of interim measures.

PRACTICAL SYLLABUS

Seminars, workshops, exercises and various practical activities related to the theory lessons will be held.

RECOMMENDED READING

ESSENTIAL READING

- ARNALDO ALCUBILLA, E., Jurisdicción Contencioso-Administrativa, La Ley, last edition.
- CORDON MORENO, F., El proceso contencioso-administrativo, Aranzadi, Pamplona, last ed.
- GIMENO SENDRA, V., MORENO CATENA, V., SALA SANCHEZ, P., Derecho Procesal Administrativo, C.E. Ramon Areces, Madrid, last ed.
- GONZALEZ GARCIA, S., Proceso contencioso-administrativo, Editorial Avicam, Granada, last ed.
- MORENO CATENA, V., ARNAIZ SERRANO, A., LOPEZ JIMENEZ, R., LOREDO COLUNGA, M., Derecho Procesal Contencioso-Administrativo, Tirant Lo Blanch, last ed.
- RUIZ RISUEÑO, F., El proceso contencioso-administrativo, Colex, Madrid, last ed.



COMPLEMENTARY READING

The teacher will indicate, where appropriate, the supplementary bibliography that students may consult for the preparation of specific contents of the syllabus.

RECOMMENDED LEARNING RESOURCES/TOOLS

All are accessible through the electronic resources of the UGR Library:

- <https://www.mjusticia.gob.es/es>
- <https://www.mjusticia.gob.es/es/areas-tematicas/documentacion-publicaciones/publicaciones/traduccion-derecho-espanol>
- <https://www.tribunalconstitucional.es/es/Paginas/default.aspx>
- <https://www.poderjudicial.es/search/indexAN.jsp>
- <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/>
- <https://www.boe.es/legislacion/codigos/codigo.php?id=040>
- www.noticias.juridicas.com
- www.iustel.com
- www.tirantonline.com
- www.aranzadidigital.es

TEACHING METHODS

- MD01 Lección magistral (Clases teóricas-expositivas). Presentación en el aula de los conceptos fundamentales y desarrollo de los contenidos propuestos
- MD02 Actividades prácticas (Clases prácticas). Actividades a través de las cuales se pretende mostrar al alumnado cómo debe actuar a partir de la aplicación de los conocimientos adquiridos
- MD03 Seminarios. Modalidad organizativa de los procesos de enseñanza y aprendizaje donde tratar en profundidad una temática relacionada con la materia
- MD04 Actividades individuales (Estudio y trabajo autónomo). 1) Actividades (guiadas y no guiadas) propuestas por el profesor para profundizar en aspectos concretos de la materia para que el estudiante avance en la adquisición conocimientos y procedimientos de la materia, 2) Estudio individualizado de los contenidos de la materia 3) Actividades evaluativas (informes, exámenes,...)
- MD05 Actividades grupales (Estudio y trabajo en grupo). Actividades (guiadas y no guiadas) propuestas por el profesor para profundizar en grupo en aspectos concretos de la materia
- MD06 Tutorías académicas. Manera de organizar los procesos de enseñanza y aprendizaje que se basa en la interacción entre el estudiante y el profesor

ASSESSMENT METHODS (Instruments, criteria and percentages)

ORDINARY EXAMINATION DIET

Evaluation in the continuous assessment system consists of two parts:

1. Supplementary activities carried out during the course (practical assignments, work



- associated with seminars, online activities, tests, etc.), which represent a minimum of 30% of the overall grade.
2. A face-to-face final exam of the course, representing a maximum of 70% of the grade, the passing of which is required to pass the course. The Exam may consist of any of a variety of methods at the discretion of the teacher involved (essay-type written or oral exam, questionnaire, etc., or a combination of them), that must be specified during the course and, in any case, in the exam announcement itself.

The overall grade will be the result of the application of the following rules:

1. A weighted average formula will be applied to both parts of supplementary activities and final exam.
2. For the formula to be applicable, it is necessary for the students to get a minimum 5/10 score in the final exam. Otherwise, the student will get a failing grade with the score obtained in said final exam as the final overall grade.
3. Exceptionally, at the discretion of the teacher and depending on the results obtained by the student in the supplementary activities, it will be possible to apply the weighted average formula to both parts when the results of the final exam have reached, at least, a 4/10 score.

EXTRAORDINARY EXAMINATION DIET

In the Extraordinary Assessment session (resit examination), the evaluation is carried out through a single Exam in which the two parts of the course are assessed:

- Final exam, by any of the methods described above for the continuous assessment system and with the same criteria (maximum 70%).
- Case study or practical exercise exam or exam with practical type questions (minimum 30% of the grade), aimed at facilitating the assessment of the procedural or experimental competencies that correspond to the practical side of the course.

The same criteria established for the ordinary session are applied to pass the Exam in the extraordinary assessment session. In the event that the outcome of the supplementary activities' assessment during the course is a grade equal to or higher than 5/10, that grade may be kept for this extraordinary session and replace the one corresponding to the practical part of the exam.

SINGLE FINAL ASSESSMENT (evaluación única final)

Students who cannot comply with the requirements of the continuous assessment system may qualify for the single assessment system, in accordance with article 8 of the "Regulation on the Evaluation and Grading of Students of the University of Granada". Those who qualify for this type of assessment in accordance with the said regulation will have to request it to the head of the Department in the first two weeks from the date of enrollment, alleging and proving the reasons that justify not being able to follow the continuous assessment system. The rules for the extraordinary assessment session will apply to this single final assessment, thus consisting of a single exam made up of the indicated parts and with the grading rules set out above.

ADDITIONAL INFORMATION

PUBLICATION OF GRADES:



- It is recommended that, before the Final Exam takes place, each teacher proceed to publish the grades received by the students in the Supplementary Activities section.
- After the final exam takes place, the responsible teacher for each group will publish the score received in it expressed numerically over 10 (0 - 10), as well as the overall grades. After the review period, in accordance with what is established in the Regulation on the Evaluation and Grading of Students of the University of Granada, each teacher responsible for a group will transfer the final grades to the corresponding Grade Report.

EXAM REVIEW: The eventual review of the exams will be announced and conducted by the teacher responsible for each group within the terms and conditions required by the regulations of the University of Granada.

ALTERNATIVE EXAMS: In relation to the eventual holding of Alternative Exams within the framework of courses subject to the Final Exam regime, the student must comply in his/her application with the Regulation on the Evaluation and Grading of Students of the University of Granada and with the procedure provided for this purpose by the Department.

Also read the Regulation on the Evaluation and Grading of Students of the University of Granada: [http://secretariageneral.ugr.es/bougr/pages/bougr112/_doc/examenes/!](http://secretariageneral.ugr.es/bougr/pages/bougr112/_doc/examenes/)

Students must consult the Department's website for updated information related to teaching and especially the sections on teacher tutoring hours, single final assessment request procedure and other sections that the teacher may suggest, as well as the PRADO 2 Teaching Platform.

In relation to other aspects that may affect the development and assessment in this course, students are referred to the information offered through specific notices on the official website of the Administrative Law (<http://derad.ugr.es/>) and Procedural Law (<https://procesal.ugr.es/>) Departments.

