

FACULTAD DE DERECHO

GUÍA DOCENTE 2020/2021

MARKETS REGULATION (DLEX)

TEACHING GUIDE 2020/2021

FACULTY OF LAW



**Universidad
de Huelva**

Curriculum year: Fourth

Course information	
Degree	Law
Curriculum year	Fourth
Academic year	2020/2021
Term	Second
Teaching hours	Second term <ul style="list-style-type: none"> • Tuesday 18-20 • Wednesday 13-15
Title <ul style="list-style-type: none"> • Spanish • English 	<ul style="list-style-type: none"> • Regulación de los mercados • Markets regulation
Credit value	4
Language	English
Department	Public Law and Labour Law
Academic Field of Science	Administrative Law

Teaching staff	
Coordinator and instructor of the course in English	Rosario Leñero, PhD
Office hours	First term <ul style="list-style-type: none"> • 9:00 -15:00 Tuesdays Second term <ul style="list-style-type: none"> • Tuesday 15-18 • Wednesday 10-13
Contact information <ul style="list-style-type: none"> • Office • Telephone • Email address 	<ul style="list-style-type: none"> • Room A-8, Faculty of Law • 959219615 • rolebo@uhu.es

OBJECTIVES AND LEARNING OUTCOMES
<ul style="list-style-type: none"> • Basic and transversal competences <ul style="list-style-type: none"> ○ CB3. Gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on relevant social, scientific or ethical issues. ○ CB5. Develop the learning skills required to undertake further studies with a high degree of autonomy.

- TC2. Develop a critical attitude, being able to analyse and synthesize.
- Generic competences
 - Ability to analyse and synthesise
 - Speaking and writing communication skills in a foreign language
 - Critical and self-critical thinking ability
 - Ability to work autonomously
 - Ability to learn autonomously
- Specific competences
 - Ability to read and interpret legal texts
 - Ability to find and apply basic sources of law
 - Legal reasoning and argumentation
 - Critical awareness, ability to identify social concerns and values underlying legal norms and principles.
 - Ability to convey knowledge with an adequate command of speaking and writing skills usually displayed in legal professions; development of legal oratory.
- Learning outcomes
 - Show a deep understanding of basic Administrative law principles and institutions, both at the national and at the transnational (European, international) level.
 - Interpret legal norms showing an adequate knowledge of the specialities of legal interpretation in Administrative law as well as its relevance.
 - Interpret and handle non-binding legal norms (soft law)
 - Select correctly the norm to be applied, according to locus and time rules of application, in order to solve a complex Administrative law issue, being aware of the normative system comprised of international, European, national, regional and local norms.
 - Perform oral presentations with command of presentation techniques.

This course is intended to develop as a standing seminary in class room. However, due to the introductory nature of the first lessons, lectures will have a major weight at the start of the term. Lectures in class room and guided readings in student's autonomous work aim to provide a basic theoretical frame on the following topics: the double nature of market as a social institution and a tool to achieve goals of public interest; the role of public institutions; plurality of regulatory models; diversity of regulatory authorities and regulatory techniques; problems of accountability and legitimacy; etc.

Once these preliminary contents are explained, following sessions will focus on the sectoral analysis of markets regulation. At the end of the term, every student must present a study in which he/she displays his/her own analysis of a market regulation model of his/her choice. In this latter phase, students' autonomous work will play a main role. Notwithstanding, students will receive some methodological training to allow them to gather relevant legal information and develop a consistent Public Law analysis on their chosen field of research. This methodological training will focus on the sources of law, both primary and secondary, as well as the different institutional contexts.

COURSE CONTENTS	
BLOCK OF CONTENTS I THEORETICAL BACKGROUND OF MARKETS REGULATION	<ul style="list-style-type: none"> • Lesson 1. 1. Introduction to the concept and theories of regulation • Lesson 1.2. Regulatory instruments and techniques • Lesson 1.3. Regulatory enforcement and compliance: models of institutional design • Lesson 1.4. Accountability and legitimacy issues in regulation
BLOCK OF CONTENTS II METHODOLOGICAL TOOLS FOR ANALYSIS OF MARKETS REGULATION	<ul style="list-style-type: none"> • Lesson 2.1. Legal and institutional contexts of markets regulation: global, European and local frames. • Lesson 2.2. Access and use of sources of law in markets regulation
BLOCK OF CONTENTS III ANALYSIS OF MARKETS REGULATIONS	Contents of this block will vary depending on the topic chosen by students to do their work on. Just to name a few: public utilities, financial markets,

	international emissions trading, international commerce, etc.
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EVALUATION AND GRADING POLICY

Qualifications are awarded in accordance with Royal Decree 1125/2003 in the following manner: a) Fail (Suspendo): From 0 to 4.9. b) Pass (Aprobado): From 5 to 6.9. c) Merit (Notable): From 7 to 8.9. d) Distinction (Sobresaliente): From 9 to 10. e) Graduate with Honours (Matrícula de Honor): From 9 to 10.

According to the Rule on Academic Assessment of the University of Huelva, two options of assessment are offered:

- **OPTION A: CONTINUOUS EVALUATION**

In this option, a regular class attendance of 80% of the class time is a condition for being assessed. The final grade will result from the marks obtained in the activities scheduled throughout the course, in the following way:

- Active participation in readings' discussion (20% of the overall grade) → During the Block I, readings on theoretical topics will be scheduled every week to be discussed in class time. Students are expected to read them in advance and take part in discussions in class room on questions previously posed by the teacher. Assessment will focus on students' abilities to analyse and synthesise, to read and interpret legal texts and to think critically. Students understanding of Administrative law principles and institutions, both at the national and at the transnational (European, international) level will also be assessed. The mark resulting from this assessment item cannot be improved in the first re-sit examination period (*Convocatoria ordinaria II* in September).
- Multiple choice test (50% of the overall grade) → The test, scheduled in midterm, will cover the topics comprised in the Block I. Failing the midterm test will not result in removal from the course. The mark resulting from this assessment item can be improved in the first re-sit examination period (*Convocatoria ordinaria II* in September).
- Study of a model of market regulation of their choice among the topics offered by the teacher (30% of the overall grade) → This assessment, scheduled at the end of the term, will comprise two items: an oral presentation and a written document in which every student will gather their major findings and conclusions. Every document will be shared among class fellows. Assessment will focus on abilities to work autonomously, to learn autonomously, to find and apply basic sources of law and to convey knowledge with an adequate command of speaking and writing skills usually displayed in legal professions. Legal reasoning and argumentation and students' critical awareness about social concerns and values underlying legal norms and principles will also be assessed. The mark resulting from this assessment item can be improved in the first re-sit examination period (*Convocatoria ordinaria II* in September).

- **OPTION B: FINAL EVALUATION**

- Students aiming to choose a final evaluation must submit a request by e-mail to the teacher during the first two weeks of the teaching. The request will imply renouncing irrevocably to the continuous evaluation. Students will take a final written exam covering all the theoretical topics of Block I and one sectoral model of market regulation decided by the teacher. Maximum duration: 2 hours. Final evaluation will also take place in the second re-sit examination period (*Convocatoria ordinaria III* in December)

- 'GRADUATE WITH HONOURS' will be awarded to those students who, having achieved a grade of Distinction (9-10), stand out in particular due to their dedication to the subject and brilliance in work carried out. Initiative, depth and originality will be of particular value.

COURSE MATERIALS

- **BASIC LITERATURE**

- Black, J. (2003), *Rules and regulators*, Clarendon Press.
- Black, J.; Lodge, M. y Thatcher, M. (2005), *Regulatory Innovation. A Comparative Analysis*. Edward Elgar.
- Büther, T. & Mattli, W. (2011), *The New Global Rulers. The Privatization of Regulation in World Economy*, Princeton University Press.
- Craig, P. & De Búrca, G. (2015), *EU Law. Texts, cases and materials*, 6th edn, Oxford University Press.
- Klamert, M. (2015), *Services liberalization in the EU and the WTO: concepts, standards and regulatory approaches*, Cambridge University Press.
- Morgan, B. and Yeung, K. (2007), *An Introduction to Law and Regulation. Text and Materials*, Cambridge University Press.
- Ogus, A. (2004), *Regulation: Legal Form and Economic Theory*, Hart Publishing
- Schütze, R. (2017), *From International to Federal Market. The Changing Structure of European Law*, Oxford University Press.
- Sunstein, C. (1999), *Free Markets and Social Justice*, Oxford University Press.
- *Common Market Law Review*

Specific readings and course materials will be supplied by the teacher at Moodle (online learning management platform).

ANEXO II

MODELO ANEXO GUIA DOCENTE PARA ADAPTACIÓN A LA DOCENCIA EN LOS ESCENARIOS DE
DOCENCIA A Y B PARA EL CURSO ACADÉMICO 2020-21

UNDERGRADUATE LAW DEGREE			
Subject: Markets Regulation			
Year: 2020-2021		Term	Second
SCENARIO A			
Syllabus adaptation in case of online teaching			
<i>Teachings will be limited to Block I's contents on a widened basis.</i>			
Adaptation of teaching activities and methodologies			
<i>In case that the number of regular attendants to sessions impedes the compliance with Covid related precautionary rules, course attendants will be divided in two halves so that students will alternate every two weeks in site teachings and online teachings broadcasted in web streaming. Given that the block II is instrumental for collective work of Block III and both require close contact between tutor and groups members, activities of these blocks should be suppressed.</i>			
Adaptation of assessment systems			
CONTINUOUS ASSESSMENT SYSTEM		PERCENTAGE OF TOTAL COURSE GRADE	
Examen oral por video-audio conferencia			
Presentación/defensa oral por videoconferencia			
Prueba objetiva (tipo test)		Three multiple choice tests on contents of Block I (each of them 20% of the grade; synchronous)	
Prueba escrita de respuesta abierta			
Exámenes o pruebas offline			
Documentos/Trabajos propios (individuales o en grupo)		Four questionnaires on mandatory readings (each of them 10% of the grade; asynchronous)	
Producciones multimediales (individuales o en grupo)			
Producciones colaborativas online			

	Debate	
	➤ Evaluación por pares	
	➤ Autoevaluación	
	➤ Participación	Participation as written posts in discussion fora or oral interventions in zoom meetings may be taken into account to adjust the final grade

FINAL ASSESSMENT SYSTEM	PERCENTAGE OF TOTAL COURSE GRADE
Examen oral por video-audio conferencia	
Presentación/defensa oral por videoconferencia	
Prueba objetiva (tipo test)	100% Multiple choice test composed by 50 theoretical or theoretical practical questions on the whole of uploaded materials (synchronous).

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SCENARIO B

Syllabus adaptation in case of online teaching

Teachings will be limited to Block I's contents on a widened basis.

Adaptation of teaching activities and methodologies

Teaching activities	In site/Online	Teaching methodology
Sessions on theoretical contents	Online	Remaining sessions that cannot take place in site. Students are required to read in advance uploaded materials (asynchronous). Discussions via zoom meeting will take place on the basis of self-assessment questionnaires. Complementary explanations may be provided through discussion fora at the online learning platform (asynchronous)

Adaptation of assessment systems

Same adaptations as in scenario A

CONTINUOUS ASSESSMENT SYSTEM	PERCENTAGE OF TOTAL COURSE GRADE
Examen oral por video-audio conferencia	
Presentación/defensa oral por videoconferencia	
Prueba objetiva (tipo test)	Three multiple choice tests on contents of Block I (each of them 20% of the grade; synchronous)
Prueba escrita de respuesta abierta	
Exámenes o pruebas offline	
Documentos/Trabajos propios (individuales o en grupo)	Four questionnaires on mandatory readings (each of them 10% of the grade; asynchronous)
Producciones multimedias (individuales o en grupo)	
Producciones colaborativas online	
Debate	
➤ Evaluación por pares	
➤ Autoevaluación	
➤ Participación	Participation as, for instance, written posts in discussion fora or oral interventions in zoom meetings may be taken into account to adjust the final grade

*Tabla de pruebas a utilizar en el formato online

Pruebas evaluación (formato online)			
Examen oral por video-audio conferencia		Producciones multimedia (individuales o en grupo)	
Presentación/defensa oral por videoconferencia		Producciones colaborativas online	
Prueba objetiva (tipo test)		Debate	
Prueba escrita de respuesta abierta		Evaluación por pares	
Exámenes o pruebas offline		Autoevaluación	
Documentos propios (individuales o en grupo)		Participación	