

FACULTAD DE DERECHO

GUÍA DOCENTE 2019/2020

MARKETS REGULATION (DLEX)

TEACHING GUIDE 2019/2020

FACULTY OF LAW



**Universidad
de Huelva**

Curriculum year: Fourth

Course information	
Degree	Law
Curriculum year	Fourth
Academic year	2019/2020
Term	Second
Teaching hours	Second term <ul style="list-style-type: none"> • 13.00 -15.00 Tuesdays and Wednesdays
Title <ul style="list-style-type: none"> • Spanish • English 	<ul style="list-style-type: none"> • Regulación de los mercados • Markets regulation
Credit value	6
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"> • 11:30 – 14:00 Mondays; 11:30-13:00 Tuesdays; 15:00-17:00 Wednesdays
Contact information <ul style="list-style-type: none"> • Office • Telephone • Email address 	<ul style="list-style-type: none"> • 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 municipal norms.
 - Perform oral presentations with command of presentation techniques.

TEACHING METHODOLOGY

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 aims 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 relationships between market and public bodies from a global, European and national point of view; markets regulation as a public function; plurality of regulatory models; diversity of regulatory authorities and regulatory techniques.

Once these preliminary contents are explained, the 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

**FIRST THEMATIQUE BLOCK.
THEORETICAL BACKGROUND OF
MARKETS REGULATION**

- Lesson 1. Concept and Functions of Markets
- Lesson 1.2. Heteroregulation of markets: the role of public bodies
- Lesson 1.3. Legal frame of markets regulation: international, European and constitutional frame
- Lesson 1.4. Models of markets regulation
- Lesson 1.5. Models of regulatory bodies
- Lesson 1.6. Main Public Law regulatory techniques

**SECOND THEMATIQUE BLOCK.
METHODOLOGICAL TOOLS FOR
ANALYSIS OF MARKETS
REGULATION**

- Lesson 2.1. Institutional contexts of markets regulation
- Lesson 2.2. Access and use of sources of law in markets regulation

THIRD THEMATIQUE BLOCK.
SECTORAL ANALYSIS OF
MARKETS REGULATIONS

Contents of this block will vary depending on students' choice of study topic. Just to name a few: public utilities, financial markets, international emissions trading, international commerce, etc.

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 Assessment Rule 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 Themathique 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 (30% of the overall grade) → The test, scheduled in midterm, will cover the topics comprised in the Thematique Block I. Students understanding of Administrative law principles and institutions, both at the national and at the transnational (European, international) level will be assessed. 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 (50% of the overall grade) → This assesment, 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 student's 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 two sectoral models of market regulation decided by the teacher. Maximum duration: 3 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**

- Büther, T. & Mattli, W. (2011) *The New Global Rulers. The Privatization of Regulation in World Economy*, Princeton University Press.
- Cassese, S. (ed.) (2016) *Research Handbook on Global Administrative Law*, Elgar Publishing.
- Stewart, R. B. (1981) "Regulation, Innovation, and Administrative Law: A Conceptual Framework", *California Law Review*, Vol. 69: 1256.
- 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.
- *Common Market Law Review*

Specific readings and course materials will be supplied by the teacher at Moodle (on line learning management system).