

**Course Unit: 9242511 – Administrative Law II**

Year 2 Semester 3 ISCED Code: 380 ECTS: 5,0

Type of Course Unit: Compulsory Delivery Mode: Face-to-face Language of Instruction: Portuguese

COURSE COORDINATOR: Emílio Kafft Kosta

**HOURS OF WORK**

TOTAL HOURS	Contact Hours								Hours in autonomous work
	Theory	Theory and practice	Practical and laboratory work	Field work	Seminar	Internship	Tutorial guidance	Other	
125		30	30				0		65

Prerequisites (if applicable): Administrative Law I

**LEARNING OUTCOMES (knowledge, skills and competence)**

It is intended that the student, at the end of the U.C.:

1. Understand the content and notion of Administrative Law, the rules and principles that define the Portuguese administrative organization, the fundamental principles;
2. Master the organizational model of the Portuguese public administration, the administrative act, the public contract, the administrative procedure and litigation,
3. Understand the principles that govern the organization and activity of the Portuguese public administration;
4. Be able to interpret and apply legal norms within the scope of Administrative Law, in particular with regard to administrative organization, the fundamental principles applicable to public administration and the legal relationship of public employment;
5. Cultivate a critical spirit and the ability to autonomously decide the cases under analysis.

**CONTENTS**

- A. The Administrative Power (Notion and Modes of Exercise of Administrative Power; Administrative Power and Constitution: Principles and regime (general framework and reference to Administrative Law I); Scope and content of the Administrative Power; the administrative material operations; The Administrative Legal Relationship: concept, elements and nature.
- B. The Administrative Regulation (Concept and species; Legal regime).
- C. The Administrative Act: Concept, structures and species (The Administrative Procedure: Concept, coding and species; the material or substantive regime; the adjective or formal regime; the validity or invalidity of the acts).
- D. Administrative contracts (concept, types and content; Public procurement regime: constitution, implementation, modification and termination).
- E. The administrative litigation.
- F. The political, administrative and litigation guarantees.

**DEMONSTRATION OF THE CONTENTS COHERENCE WITH THE COURSE UNIT'S LEARNING OUTCOMES**

The coherence between learning objectives and syllabus is revealed:

In knowledge regarding administrative power;

In the interpretation and application of specialized legal texts;

In the study of administrative activity, covering the following vectors: Administrative act; Administrative Procedure; validity or

invalidity of the acts; Administrative Contracts; public contracting regime: constitution, execution, modification and extinction; Administrative Regulation; the litigation. Political, administrative and contentious guarantees.

### **TEACHING METHODOLOGIES**

- Exhibition (using the most diverse media: oral, written and multimedia projection).
- Presentation and discussion of case studies in the classroom, with the participation of the students.
- Analysis of judicial decisions, through a targeted debate with students.
- Activity simulation.

### **DEMONSTRATION OF THE COHERENCE BETWEEN THE TEACHING METHODOLOGIES AND THE LEARNING OUTCOMES**

- Exhibition (using the most diverse media: oral, written and with multimedia projection) - objective 1 to 5:.
- Presentation and discussion of case studies in the classroom with the participation of students - objective 1 to 5;
- Examination of judicial decisions through a targeted debate with students - objective 1 to 5;
- Activity simulation - objective 6..

### **EVALUATION METHODS**

There are three different evaluation periods: (i) Continuous Evaluation; (ii) Evaluation by Final Exam; and (iii) Time of Appeal.

1) Continuous evaluation: it is comprised by written evaluation, work in the classroom and one oral exam. The sum of these elements of evaluation will result in a score that is susceptible to appeal or improvement during the Time of Appeal. The grade of the oral test is eliminatory.

2) Final Exam: it is comprised by a written test (50%) and an oral exam (50%). The written test and the oral exam does not depend on previous performance in any of the elements mentioned above. The grade obtained in this phase is subject to appeal or improvement in the Time of Appeal. The grade of the oral test is final.

3) Time of Appeal: it is comprised by one oral exam which represents 100% of the grade. Students are allowed to sit the Time of Appeal exam regardless of being subject to any previous evaluation.

### **MAIN BIBLIOGRAPHY**

SOUSA, Marcelo Rebelo de Sousa & MATOS, André Salgado de - Direito Administrativo, Tomo III - Actividade Administrativa. Lisboa: D. Quixote, 2009.

AMARAL, Diogo Freitas do com a colaboração de Pedro Machete e Lino Torgal - Curso de Direito Administrativo, Vol. II. Coimbra: Almedina, 2011

OLIVEIRA, Fernanda Paula Oliveira & DIAS, José Eduardo Figueiredo - Noções Fundamentais de Direito Administrativo. Coimbra: Almedina, 2010.

SÁNCHEZ, Pedro Fernández - Direito da contratação pública, 2 vols. Lisboa: AAFDL, 2020.

VALLES, Edgar - Contencioso Administrativo, 4ª ed. Coimbra: Almedina, 2020..

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