



General information		
Academic subject	Administrative law II A-L	
Degree course	LMG, LMGI	
Academic Year	4°	
European Credit Transfer and Accumulation System (ECTS)		9
Language	Italian	
Academic calendar (starting and ending date)	1st semester (1 October 2024 to 16 December 2024 )	
Attendance	Optional	

Professor/ Lecturer	
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Virtual headquarters	
Tutoring (time and day)	Monday, after class, Prof. Agostino Meale, in attendance; Tuesday, from 12 noon to 1 p.m., Dr Augusto Di Cagno, in attendance, by appointment by e-mail to <a href="mailto:augusto.dicagno@uniba.it">augusto.dicagno@uniba.it</a> ; from 3 p.m. to 4 p.m., Dr Federica Santomauro, by appointment by e-mail to <a href="mailto:federica.santomauro@uniba.it">federica.santomauro@uniba.it</a> ; Thursday, from 8.30 a.m. to 9.30 a.m., Dr. Salvatore Esposito, in person, by appointment by e-mail to <a href="mailto:salvatore.esposito@uniba.it">salvatore.esposito@uniba.it</a> .

Syllabus	
Learning Objectives	<p>The procedural part will be devoted to an examination of the actions that may be brought by private individuals against the public administration; therefore, after an introduction on the evolution of administrative justice from 1865 to the present day, particular attention will be devoted to the principles of the administrative process (also for the purposes of the division of jurisdiction between the administrative courts and the O.J.) and to the individual institutes that have been innovated following the entry into force of Legislative Decree no. 104/2010. The treatment of each individual institute will be accompanied by regulatory and jurisprudential insights, as well as references to practical cases. The course, therefore, aims to enable students to acquire the correct legal terminology and specific skills that will enable them to place the various procedural institutes under study in the legal system, including the European one, identifying the rules applicable to them, as well as to make comparisons and links with other legal figures. The student, moreover, must be able to deepen autonomously what he/she has learnt, in order to use the basic knowledge acquired to achieve further results, confirming a matured autonomy of judgement also in the possible solution of concrete cases.</p>
Course prerequisites	Private Law, Constitutional Law
Contents	<p>I. The evolution of the system of administrative justice in the positive system. The division of jurisdiction and protection before the ordinary courts. Definitions and outlines of comparative law. The ordinary judge and the public administration: the discipline dictated by Law No. 2248 of 1865, all. E. Conflicts of attribution and the instruments for verifying jurisdiction. The establishment of the IVth Section of the Council of State (Law No. 5992/1889). The Testo unico delle leggi sul Consiglio di Stato</p>

	<p>(R.D. n. 1054/1924) and the Rules of Procedure (R.D. n. 642/1907). The constitutional discipline and implementing legislation.</p> <p>The Administrative Process Code (Legislative Decree No. 104/2010 as amended).</p> <p>II. Non-judicial administrative appeals. Administrative appeals: the hierarchical appeal, the improper hierarchical appeal, the appeal in opposition and the extraordinary appeal to the President of the Republic.</p> <p>III. Protection before the administrative judge. General principles. The jurisdiction of the administrative courts. General jurisdiction of legitimacy; exclusive; of substance.</p> <p>IV. The administrative process. The sources of the administrative process. The parties to the administrative process. Actions in the administrative process, applications and types of process. The identification of the subject matter of the process. The introduction of the judgement: the appeal and its vicissitudes; the preventive regulation of competence and jurisdiction. The time limit to appeal. The service of the appeal and the filing of the appeal; cross-appeal and additional grounds. The constitution of the parties before the court. The regulation of the evidentiary inquiry. Auxiliaries of the judge. Precautionary measures. The events and modifications of the procedural relationship: suspension, interruption, extinction of the trial. The discussion and decision of the appeal. The abbreviated rites.</p> <p>V. Appeals. Appeal; third-party objection; revision; appeal on grounds of jurisdiction.</p> <p>VI. The administrative judgement and its enforcement. Judgment of compliance. Special rites.</p> <p>VII. Liability proceedings before the Court of Auditors.</p>
<b>Books and bibliography</b>	<p>Alternatively and at the student's choice:</p> <p>E. CASSETTA, Manuale di diritto amministrativo, Giuffr�, Milano, ultima edizione, dal Capitolo IX sino alla fine;</p> <p>A. TRAVI, Lezioni di giustizia amministrativa, Giappichelli, Torino, ultima edizione;</p> <p>R. GAROFOLI, Manuale di Diritto Amministrativo, Neldiritto, ultima edizione, dalla Parte IV sino alla fine.</p>
<b>Additional materials</b>	It is advisable to combine the study of the manual with constant consultation of the main up-to-date regulatory texts.

<b>Work schedule</b>			
Total	Lectures	Hands on (Laboratory, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
<b>Hours</b>			
225	72		153
<b>CFU/ECTS</b>			
9			
<b>Teaching strategy</b>			
lectures			
<b>Expected learning outcomes</b>			
<b>Knowledge and understanding on:</b>	Students will acquire basic and advanced knowledge of substantive administrative law and will be able to understand the rationale of the legislation and its systematic links.		
<b>Applying knowledge and understanding on:</b>	Students will acquire basic and advanced knowledge of substantive administrative law and will be able to research legislative, jurisprudential and		

	doctrinal sources in order to delve into the subject matter from a practical as well as theoretical perspective.
<b>Soft skills</b>	<ul style="list-style-type: none"> <li>• <b>Autonomy of judgement</b> Students will acquire the ability to analyse and judge the legitimacy and appropriateness of public administration action.</li> <li>• <b>Communication skills</b> Students will acquire the specific legal language and the ability to examine the rationale and main features of the institutes of substantive administrative law.</li> <li>• <b>Ability to learn independently</b> Students will acquire the general knowledge required to examine specific topics in depth and place them within the administrative law system.</li> </ul>

<b>Assessment and feedback</b>	
Methods of assessment	Oral examination with questions on the examination programme.
Evaluation criteria	<ul style="list-style-type: none"> <li>• <b>Knowledge and understanding</b> Level of knowledge and understanding of the topics forming part of the examination programme.</li> <li>• <b>Applied knowledge and understanding</b> Level of knowledge of the method of researching legislative, jurisprudential and doctrinal sources.</li> <li>• <b>Autonomy of judgement</b> Ability to analyse and make judgements on the general themes and main issues of substantive administrative law.</li> <li>• <b>Communication skills</b> Knowledge and use of the specific legal language of the subject and ability to expound, also by using examples and links between normative texts and legal institutions of the subject.</li> <li>• <b>Ability to learn</b> Ability to learn reference manuals and understanding of the most relevant sources for the study of the discipline.</li> </ul>
Criteria for assessment and attribution of the final mark	<p>The examination takes place orally and serves to ascertain the student's effective acquisition of the knowledge, skills and abilities described in the section "Learning objectives and expected learning outcomes".</p> <p>The examination grade, expressed in thirtieths, will attest to the level of preparation ascertained; the level of preparation is graded as follows: excellent (30/30), very good (28/29), good (25/27), fair (21/24), sufficient (18/20). The awarding of honours (30 e lode) presupposes the unanimous agreement of the examination board.</p> <p><b>The student may choose to take a single examination for the 18 CFUs (Administrative Law I and II):</b> due to their respective disciplinary contents, the verification of adequate knowledge of concepts and institutes of substantive administrative law (Administrative Law I) precedes and conditions the verification of procedural administrative law and administrative justice (Administrative Law II);</p> <p style="text-align: center;"><b>or</b></p> <p><b>the examination of Administrative Law I (for the first 9 CFU) and, subsequently, that of Administrative Law II (for the other 9 CFU).</b></p>
<b>Additional information</b>	