UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Public Services Law

2324-1-F6302N028

Learning objectives

Knowledge and understanding

The course aims to offer a good knowledge of the legal framework for public utility services, with specific reference to the fundamental concepts of organization and management of services

Applying knowledge and understanding

The aims of the course are to develop methods of legal analysis of the public utility sectors, and also to design and manage service activities in the knowledge of the legal constraints in force.

Contents

The course aims to develop the analysis of the regime of public utility services, within the framework of European and internal regulations (with comparative references), with specific attention to the discipline of infrastructures and networks. From the managerial point of view, the following are analyzed: the legal constraints attributable to the public property of the companies; the local dimension of services; the different forms of management; the need to apply the rules on public contracts; public ownership of the assets and the proceduralisation of certain decisions. Finally, the aim is to develop issues relating to the quality of services and user protection.

Detailed program

I) Introductory notions

The defining scope of public utility services

From direct public production of services to regulation of related markets: evolutionary profiles

II) The regulatory framework for public utility services

Euro-EU sources

Constitutional rules and domestic law

III) The institutional framework

Ultra-national bodies

Territorial administrations and aggregation bodies between local administrations

The independent regulatory authorities

The Competition and Market Authority

IV) The forms of management and the subjects

Public undertakings

Public private partnership and mixed societies

The in house providing

Concessions, tenders in competition and competition "for the market

V) Relevant public functions

Public programming

The antitrust function

The regulatory function

Taking public decisions and analyzing cost benefits

The proceduralization of regulatory decisions and the AIR

VI) Regulation of network services

Service / network separation and public service obligations

The pricing of the service

The legal regime of networks

VII) The constraints on management

Constraints on contracts

Constraints relating to the nature of the assets

Prerequisites

None

Teaching methods

Frontal lessons and discussion of cases through the formation of groups of students

During the lessons the teacher will organize seminars with public utility companies.

Assessment methods

Oral, save the possibility of written tests for attending students.

The commission will evaluate the degree of knowledge, appropriate use of legal language, critical capacity in the esxposition of issues.

Textbooks and Reading Materials

Attending students: the material made available by the teacher during the lessons

Non-attending students:

F. Trimarchi Banfi, Lezioni di diritto pubblico dell’economia, Giappichelli, latest edition.

A. Benedetti, La regolamentazione dei servizi pubblici nell’implementazione del diritto europeo – Raccolta di saggi - 2022 (one article chosen from the three contained in the handout, available on the e-learning page)

Semester

First period

Teaching language

Italian

Sustainable Development Goals

DECENT WORK AND ECONOMIC GROWTH | INDUSTRY, INNOVATION AND INFRASTRUCTURE | REDUCED INEQUALITIES | SUSTAINABLE CITIES AND COMMUNITIES | CLIMATE ACTION