UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

# COURSE SYLLABUS

# Public Services Law

**2526-1-F6303M005**

## 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

*Making judgements*

The presentation and discussion of cases in class will allow the development of critical and judgmental skills of students, who are called upon to verify the concrete application of theoretical institutes

*Communication skills*

Thanks to the organization in groups (for the examination and discussion of cases) it will facilitate the ability to communicate what has been learned

*Learning skills*

During the lessons, students will be asked to study some cases discussed in class, in order to enhance their learning ability and continue their studies independently

## 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

The course consists of 48 hours, of which:

DE: 20 hours (face-to-face) + 6 (remote)

DI: 22 hours, of which 13 hours of case discussions (face-to-face) and 9 hours of seminars with experts from public utility companie

## Assessment methods

The learning assessment method is oral and consists of an interview on the topics covered in class
For those who cannot attend, the oral assessment will be carried out on the exam texts

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:

M. Bombardelli, L'intervento amministrativo nei mercati. Appunti per le lezioni, Giappichelli, 2023, , esclusi capitoli 5 (beni pubblici) e 7 (regolazione dei mercati finanziari)

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