UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Public and Economic Law - 1

2627-1-E3305M001-T1

Learning objectives

Knowledge and understanding
Provide a good knowledge of the institutions of public law most directly related to economic dynamics, with a careful look also at European and supranational dynamics

Applying knowledge and understanding
Develop the approaches and methodologies of legal analysis of public law

Making judgements
During the lessons, students will be called to verify the concrete application of the theoretical institutions

Communication skills
The stimulus to comparison will facilitate the ability to communicate what has been learned

Learning skills
During the lessons, students will be called to study some cases discussed in class, in order to enhance their learning ability and to continue studying independently

Contents

The course aims to provide students with a solid understanding of the fundamental principles of the Italian constitutional system, the organization of the institutions of the Republic, regional and local authorities, and the European Union. Particular attention is devoted to the relationship between individuals and public institutions, the system of fundamental rights and freedoms, and the legal mechanisms established for their protection.
The course also focuses on the constitutional framework governing economic activity, examining the constitutional and European principles that shape the relationship between public authorities and the economy. In this context,

students will explore the main forms of public intervention in the market, including regulation, planning and supervision, as well as the essential features of administrative action in the economic sphere, taking into account the evolution of both the Italian legal system and the process of European integration.

Detailed program

Part I – Foundations of Public Law and the Constitutional Framework

1. Legal order, State, Constitution and sources of law.
2. The fundamental principles of the Italian Constitution.
3. Sources of law in the Italian legal system and their relationship with European Union law.
4. The form of State, the form of government and the constitutional institutions.
5. Parliament, Government and the President of the Republic.
6. The Constitutional Court and the guarantees of constitutional review.
7. Regional and local authorities and the principle of subsidiarity.
8. Fundamental rights, constitutional duties, and the relationship between individuals, national institutions and the European Union.

Part II – The Economic Constitution and the Role of Public Authorities

9. The Economic Constitution: foundations, evolution and its relationship with European Union law.
10. Freedom of private economic initiative, competition and the market.
11. Public and private property, public assets and the social function of property.
12. Labour, enterprise and intermediary bodies in the constitutional framework.
13. Substantive equality, social rights and sustainable development.
14. Public finance, the State budget and the constraints of European economic governance.
15. Independent administrative authorities and market regulation.

Part III – Public Administration and the Economy

16. The organisation and principles of public administration.
17. Administrative action: administrative procedure, administrative measures, and the principles of legality, impartiality and good administration.
18. Consensual administrative action and relations between public authorities and economic operators.
19. Public services and services of general economic interest.
20. Public intervention in the economy: regulation, supervision, planning and support for economic activities.
21. Competition protection, public-private partnerships and the main forms of cooperation between the public and private sectors.
22. Judicial protection against public administration: legitimate interests, administrative courts and the principal remedies available.

Prerequisites

none

Teaching methods

The course consists of 72 hours, of which: 51 hours consisting of face-to-face lessons (some of which will be devoted to case discussions and in-depth seminars) and 21 hours in remote

Assessment methods

The examination is normally conducted orally and covers the topics discussed during the course as well as the prescribed reading materials. Depending on the number of students registered for a particular examination session, the instructor reserves the right to replace the oral examination with a written examination.
The assessment is designed to evaluate the student's knowledge and understanding of the course contents, their ability to analyse legal institutions within their constitutional framework, their appropriate use of legal terminology, and their capacity for critical reasoning and clear legal argumentation.

Textbooks and Reading Materials

Q. Camerlengo, F. Furlan, Diritto costituzionale vivente, Cedam, last edition

or, alternatively

P. Caretti, U. De Siervo, G. Tarli Barbieri, Diritto costituzionale e pubblico, last edition

Sustainable Development Goals

GENDER EQUALITY | REDUCED INEQUALITIES | SUSTAINABLE CITIES AND COMMUNITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS