PUBLIC SERVICES IN EU LAW

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	Public Services in EU Law
Course title:	Public Services in EU Law
Članica nosilka/UL Member:	UL PF

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Pravo, prva stopnja, univerzitetni	Ni členitve (študijski program)	4. letnik	2. semester	izbirni

Univerzitetna koda predmeta/University course code:	0070421
Koda učne enote na članici/UL Member course code:	PSEUL

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
20	30	0	0	70	60	6

Nosilec predmeta/Lecturer:	Rajko Pirnat
Vrsta predmeta/Course type:	Posebni program študijskih izmenjav/Special elective course for Erasmus students

Jeziki/Languages:	Predavanja/Lectures:	Angleščina
	Vaje/Tutorial:	

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	Prerequisites:

Vsebina:	Content (Syllabus outline):

	1. Historical Background
	2. The concept of public service
	  1. Public interest
	  2. Terminology
	3. Economic and non-economic public services
	  1. Economic and non-economic activities
	  2. Public services between market and social cohesion
	4. Legal regime of public services
	  1. Public service obligations (PSOs)
	  2. Legal conditions for imposing PSOs
	  3. More imnportant PSOs
	  1. Universal service
	  2. Affordability
	  3. Continuity
	  4. Quality of service

	5. Performing public services 1. Providers of public services 2. Entrustment of public service 3. Special and exclusive rights and PSOs 6. Liberalising public services 1. The concept of liberalisation 2. Services in the internal market 3. Horizontal liberalisation instruments 4. Independent regulatory bodies – the agencies 7. Financing public services 1. Methods of financing 2. Compensation for implementing PSOs and State aids – *Altmark criteria* 3. The Almunia package 8. Energy markets and public services 9. Health systems and public services

Temeljna literatura in viri/Readings:

- Guide to the application of the European Union rules on state aid, public procurement and the internal market to services of general economic interest, and in particular to social services of general interest (SWD(2013) 53 final/2)
- COMMISSION STAFF WORKING PAPER concerning the application of EU public procurement law to relations between contracting authorities ('public-public cooperation') (SEC(2011) 1169 final)
- COMMUNICATION FROM THE COMMISSION on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest (C(2011) 9404 final)

Cilji in kompetence:	**Objectives and competences:**
	The purpose of the course is to provide a student with a detailed understanding of legal regulation of public services in EU Law. In order to upgrade the theoretical knowledge students are expected to develop the ability to solve the concrete practical issues by analyzing the relevant treaty provisions, EU legislation and case law dealing with public services ("services of general economic interest").

Predvideni študijski rezultati:	**Intended learning outcomes:**
	After the concluded assignments a student will be capable to understand the functioning and the legal framework of public services in EU law. Students are also expected to develop skills and expertise necessary for dealing with legal issues arising in this field. Accordingly, a student will be capable to interpret individual concepts and to skillfully apply them in practice.

Metode poučevanja in učenja:	**Learning and teaching methods:**
	• the presentation of basic theoretical knowledge through lectures; • seminars (analysis of jurisprudence, other legal issues and concrete legislative provisions); • individual assignments.

Načini ocenjevanja: **Delež/Weight** **Assessment:**

ustni izpit	50,00 %	oral examination
seminarska naloga	50,00 %	written paper (about 15 pages)

Ocenjevalna lestvica:	**Grading system:**

Reference nosilca/Lecturer's references:

PIRNAT, Rajko. Javno in zasebno v zdravstvu = Public and private in health service. V: RIJAVEC, Vesna (ur.), et al. Medicina in pravo : sodobne dileme II. Maribor: Pravna fakulteta: Zdravniško društvo. 2010, str. 3-11. [COBISS.SI-ID 11362385]

PIRNAT, Rajko. Nekaj kritičnih misli o predlogu sprememb zakona o javnih agencijah. Javna uprava, ISSN 1318-2277, 2015, letn. 51, št. 3/4, str. 5-23, 118-119. [COBISS.SI-ID 15268689]

PIRNAT, Rajko. Koncesijska pogodba. V: Dnevi slovenskih pravnikov 2003 : od 9. do 11. oktobra v Portorožu, (Podjetje in delo, ISSN 0353-6521, Letn. 29, št. 6/7). Ljubljana: Gospodarski vestnik. 2003, str. 1607-1618. [COBISS.SI-ID 5990737]

PIRNAT, Rajko. Poskus materialne opredelitve javne službe. V: Mednarodni posvet Prestrukturiranje javnega sektorja v Sloveniji, Bled, 18. in 19. november 1992, (Inštitut za javno upravo pri Pravni fakulteti, knj. 36). V Ljubljani: Inštitut za javno upravo pri Pravni fakulteti. 1993, str. 67-74. [COBISS.SI-ID 70699264]

PIRNAT, Rajko. Vpliv prava Evropskih skupnosti na pravno ureditev javnih služb. V: SELIŠKAR TOŠ, Mojca (ur.). Mednarodna konferenca Slovensko pravo in gospodarstvo ob vstopu Slovenije v Evropsko unijo, Portorož, 21.-23. april 2004 = International Conference Slovene Law and the Economy upon EU Accession, [Portorož, 21st-23rd April 2004], (Littera Scripta Manet, Zbirka Manet). Ljubljana: Pravna fakulteta: = Facultas iuridica. 2004, str. 287-307. [COBISS.SI-ID 6448209]