

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Javne službe in pravo EU
Course title:	Public services and EU law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Doktorski študij, 3. stopnja	Pravo	1	1
Doctoral studies, 3rd level	Legal studies	1	1

Vrsta predmeta / Course type

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
15	8				102	5

Nosilec predmeta / Lecturer:

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

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

Izpolnjevanje pogojev za vpis na doktorski študij Pravo in osnovno znanje s področja predmeta, ki ustreza znanju na tem področju, pridobljenem na ravni prve in (ali) druge stopnje študija prava.

Prerequisites:

General conditions for enrolment into the Doctoral Programme in Legal Studies with a basic knowledge of the subject at the level of first and (or) second cycle programme in Legal Studies.

Vsebina:

1. Javne službe
 - 1.1. Zgodovina javnih služb
 - 1.2. Duguit: utemeljitelj teorije javnih služb
 - 1.3. Elementi javne službe, pomen pravnega okvira
 - 1.4. Pravne oblike izvajanja javnih služb
 - 1.5. Področja javnih služb
2. Javne službe in pravo EU
 - 2.1. Nova ureditev za elektronske komunikacije
 - 2.2. Načela in splošna pravila
 - 2.3. Prepoved izključnih pravic
 - 2.4. Problemi lastništva in javne kontrole
 - 2.5. Dostop do omrežja in sredstev pod nadzorom drugih subjektov
 - 2.6. Dostop do omrežja in splošno konkurenčno pravo
 - 2.7. Univerzalna storitev

Content (Syllabus outline):

1. Public services
 - 1.1. History of public services
 - 1.2. Duguit: the founder of the theory of public service
 - 1.3. The elements of public service, the importance of legal framework
 - 1.4. Legal forms of public services
 - 1.5. Legal fields of public services
2. Public services in the EU law
 - 2.1. Electronic communications
 - 2.2. Principles and general rules
 - 2.3. Prohibition of monopoly (exclusive rights)
 - 2.4. Ownership and public control
 - 2.5. Access to network and means under control of other subjects
 - 2.6. Access to network and general rules of

2.8. Javna služba in dejavnost splošnega pomena
 3. Javne službe med konkurenco in socialno pravičnostjo
 4. Člen 16 Pogodbe o Evropski Uniji in javne službe
 5. Liberalizacija javnih služb v EU
 6. Javna služba na področju pošte
 6.1. Veljavna ureditev
 6.2. Dileme nove ureditve, odprtje poštne trga
 7. Pravna ureditev energetike
 8. Pravna ureditev transporta
 9. Javna služba na področju medijev
 10. Negospodarske javne službe
 11. Javna podjetja
 12. Zavodi
 13. Koncesija
 14. Primeri koncesij na različnih področjih
 15. QUANGO-paradržavne upravne organizacije
 15.1. Agencije
 15.2. Modeli agencij: švedski, ameriški, britanski
 15.3. Avtonomija agencij
 15.4. Agencije in liberalizacija javnih služb
 15.5. Odprti problemi avtonomije agencij
 16. Zaključek: javne službe med konkurenčnostjo in solidarnostjo: ohranitev evropskega modela javnih služb

competition law
 2.7. Universal service
 2.8. Public service and service of general interest
 3. Public services between competition and social solidarity
 4. Article 16 TFEU and public services
 5. Liberalisation of public services in the EU
 6. Postal public service
 6.1. Legal framework
 6.2. Dilemmas of liberalization of postal services
 7. Energy law
 8. Transport
 9. Media and public service
 10. Social services of general interest
 11. Public enterprises
 12. Non economic public services
 13. Concession
 14. Examples of concession
 15. QUANGO
 15.1. Agencies
 15.2. Model of agencies: Swedish, US and UK models.
 15.3. Autonomy of agencies
 15.4. Agencies and liberalisation of public services
 15.5. Open issues of autonomy of agencies
 16. Conclusion: public services between competition and solidarity- toward EU model of public services?

Temeljni literatura in viri / Readings:

P.Nihoul, P.Rodford, EU Electronic Communications Law, Oxford 2004.
 P.Cameron, Legal Regulation of Energy, Oxford, 2006.

Cilji in kompetence:

Cilj predmeta je, da slušatelj pridobi osnovna teoretična in praktična znanja s področja pravne ureditve javnih služb. Javne službe so obravnavane kot splet pravil, ki urejajo delovanje dejavnosti, ki jo zakonodajalec opredeli kot javno službo. Na praktični ravni se načrtuje osvojitve veščin pravne argumentacije o pravnih institutih javnih služb. Velik poudarek bo dan vlogi prava EU pri regulaciji javnih služb.

Objectives and competences:

Main objective of the course is that students acquire basic theoretical and practical knowledge about public services. Public services are dealt with as framework of legal rules, which regulate certain areas designated as public services. On more practical level, students are expected to learn how to make legal arguments about legal institutes of public services. A strong emphasis will be given to the role of EU in regulating public services.

Predvideni študijski rezultati:

Intended learning outcomes:

Znanje in razumevanje:
Študent pridobi znanje in razumevanje kompleksnih pravnih vprašanj in primerov iz obravnavanih tem.

Knowledge and understanding:
Student acquires knowledge and understanding of complex legal issues and cases from selected topics of public administration.

Metode poučevanja in učenja:

Predavanja – predavajo se izbrane teme, ki se določijo posebej glede na razvoj teorije, zakonodaje in sodne prakse.
Seminarske vaje – na seminarskih vajah študentje predstavijo vsebino seminarske naloge
Drugo – izdelava seminarske naloge, ki obravnava zahtevnejši pravni problem z navedenih področij.
Individualni študij za izpit.

Learning and teaching methods:

Lectures: selected topics are presented in the class, according to recent developments on theory, legislation and judicial case law. Seminars: seminars are used for students's presentations of their seminar work. Others: preparation of seminar paper dealing with a complex legal issue from selected areas. Individual study for the exam.

	Delež (v %) / Weight (in %)	Assessment:
Načini ocenjevanja: Način (pisni izpit, ustno izpraševanje, naloge, projekt) Ustni izpit. Za pristop k izpitu se zahteva uspešno izdelana in predstavljena seminarska naloga. Predstavitev se lahko opravi na seminarskih vajah ali pred učiteljem ocenjevalcem.	100%	Type (examination, oral, coursework, project): Oral exam. A seminar paper is required before exam. Paper has to be presented during seminar or in professor's office.

Reference nosilca / Lecturer's references:

Bugarič, Bojan: Law and development in Central and Eastern Europe : neoliberal development state and its problems. in: PEERENBOOM, Randall P., GINSBURG, Tom (eds.). *Law and development of middle-income countries : avoiding the middle-income trap*. Cambridge : Cambridge University Press, [2014].

Bugarič, Bojan: »Populism, Liberal Democracy, and the Rule of Law in Central and Eastern Europe, *Communist and Post-Communist Studies*, vol. 41/2 (2008), pp.191-203.

Bugarič, Bojan: »Openness and Transparency in Public Administration: Challenges for Public Law«, *Wisconsin International Law Journal*, vol.22, No.3, Fall 2004, pp.483-521.

Bugarič, Bojan: Courts as policy-makers : lessons from transition. *Harvard International Law Journal*, Winter 2001, vol. 42, no. 1, str. 247-288.