

UČNI NAČRT

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Pravo reguliranih sektorjev
Course title:	Regulated sectors

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Enoviti magistrski študijski program Pravo	/	4., 5.	7., 9.
Integrated master study programme Law	/	4 th , 5 th	7 th , 9 th

Vrsta predmeta / Course type	IZBIRNI PREDMET / ELECTIVE COURSE
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Univerzitetna koda predmeta / University course code:	
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Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
45	15				60	4

Nosilec predmeta / Lecturer:	prof. dr. Peter Grilc, prof. dr. Miha Juhart, izr. prof. dr. Klemen Podobnik
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Jeziki / Languages:	Predavanja / Lectures:	Slovenski / Slovenian
	Vaje / Tutorial:	

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

Prerequisites:

Vsebina: _____

Content (Syllabus outline): _____

1. Uvodno - regulacija, deregulacija, re-regulacija, samoregulacija, liberalizacija
 1.1. vrednotenje regulacije in deregulacije kot pristopov, prednosti in slabosti
 1.2. Samoregulacija v reguliranem sektorju in v nereguliranem sektorju – paralela ali alter nativa?

2. Telekomunikacije, mediji in IT
 2.1. Prehod od pravne ureditve državnih monopolov do liberaliziranih trgov
 2.2. Zakonodaja in praksa na področju telekomunikacij, medijev in IT
 2.3. Relevantni trgi
 2.4. Tržna moč,
 2.5. Pogodbe o dostopu, zavrnitev dobav in doktrina essential facilities
 2.6. Koncentracije

3. Energetika
 3.1. Prehod od pravne ureditve državnih monopolov do liberaliziranih trgov
 3.2. Zakonodaja in praksa
 3.3. Relevantni trgi (elektrika, plin ...)

4. Poštni sektor
 4.1. Regulatorna načela
 4.2. Regulatorni modeli
 4.3. Razvoj (konkurenčnopravno, javni operaterji, univerzalne storitve, povpraševanje po storitvah, spremembe tržne strukture)
 4.4. Novi regulatorni modeli

5. Pravo finančnih trgov
 5.1. Osnovni pojmi in vrste finančnih instrumentov
 5.2. Izdaja finančnih instrumentov
 5.3. Trg finančnih instrumentov
 5.4. Zlorabe in nadzorni mehanizmi
 5.5. Upravljanje premoženja

1. Introduction - regulation, deregulation, re-regulation, self-regulation, liberalization
 1.1. Evaluation of regulation and deregulation as approaches, strengths and weaknesses
 1.2. Self-regulation in a regulated sector and in an unregulated sector - parallel or alternative?

2. Telecommunications, the media and IT
 2.1. Transition from the regulation of state monopolies to liberalized markets
 2.2. Legislation and practice in the field of telecommunications, media and IT
 2.3. Relevant markets
 2.4. Market power
 2.5. Access contracts, rejection of supplies and doctrine of essential facilities
 2.6. Concentrations

3. Energy
 3.1. Transition from the regulation of state monopolies to liberalized markets
 3.2. Legislation and practice
 3.3. Relevant markets (electricity, gas ...)

4. Postal sector
 4.1. Regulatory principles
 4.2. Regulatory models
 4.3. Development (competition law, public operators, universal services, demand for services, changes in the market structure)
 4.4. New regulatory models

5. The law of financial markets
 5.1. Basic concepts and types of financial instruments
 5.2. The issuing of financial instruments
 5.3. Market of financial instruments
 5.4. Abuse and control mechanisms
 5.5. Asset management

Temeljni literatura in viri / Readings:

- EU Competition Law and Regulation in the Converging Telecommunications and Media and IT Sectors, Kluwer, 2006;
- Markets in Financial Instruments Directive: Law and Practice, Tottel, ISBN 9781847660824, 2008;
- Campbell / Kalevi Dieke / Niederprüm, The Evolution of the Regulatory Model for European Postal Services, Bad Honnef, 2005;
- veljavni pravni viri, ki bodo promptno osveževani v času študija; spletne strani PF z vnaprej pripravljenimi PP datotekami.
- http://ec.europa.eu/internal_market/post/doc/studies/20130821_wik_md2013-final-report_en.pdf
- EU: http://ec.europa.eu/internal_market/post/index_en.htm
- http://www.powershow.com/view1/10b3c7-ZDc1Z/An_Index_of_Postal_Sector_Liberalization_powerpoint_ppt_presentation
- http://www.powershow.com/view4/41c7ba-OTk1Y/Model_for_Provision_of_Universal_Service_General_Regularities_and_Postal_Context_powerpoint_ppt_presentation
- http://www.powershow.com/view/144e25-ZTJkZ/Changing_the_Postal_Market_Place_powerpoint_ppt_presentation
- http://www.powershow.com/view1/264dc7-ZDc1Z/Evolution_of_Postal_Services_in_Eastern_Europe_powerpoint_ppt_presentation
- <http://books.google.hr/books?id=SOSqUVeG4AgC&pg=PA109&lpg=PA109&dq=postal+sector+eu+ppt&source=bl&ots=P-ZAR4Rscce&sig=I2aFiv2IU3Ob83Apt7uOMpdKuNs&hl=en&sa=X&ei=vQYtVPTLNsXiaNfaqrgF&ved=0CFEQ6AEwCA#v=onepage&q&f=false> p. 108
- http://www.powershow.com/view/9d937-Yjg4M/Postal_Sector_powerpoint_ppt_presentation#.VC0D7zyGg5Y.gmail
- Merino, Liberalisation of the Electricity Industry in the European Union –obj. na http://skemman.is/stream/get/1946/13601/32589/1/Liberalisation_of_the_Electricity_Industry_in_the_European_Union.pdf
- <http://africa-toolkit.reep.org/modules/Module3.pdf>

Cilji in kompetence:

Študent naj pridobi temeljne in povezane ter analitično presejane informacije ter znanje o delovanju reguliranih trgov, zlasti s strani institucij EU in v državah članicah, posebej v RS, o razlogih za regulacijo teh trgov, delovanju ex ante in ex post, orodjih za njihovo delovanje, pravnih institutih, sistemih in institucijah nadzora, odstopu od klasične ureditve trga, razmerjih med regulatorjem / nadzornikom in organi, pristojnimi za varstvo konkurence, substančnih in postopkovnih posebnostih. Predmet študenta opremi s temeljnim deskriptivnim znanjem in analitskimi mehanizmi in sposobnostmi. Študent mora osvojiti vrsto izbranih tem in področij.

Objectives and competences:

The student should acquire basic and related information, as well as analytically sophisticated information and knowledge about the functioning of regulated markets, in particular those which are regulated by EU institutions and in the Member States. The reasons for regulating these markets, the operation of ex ante and ex post, the tools for their functioning, legal institutes, systems and supervisory institutions, deviation from the classical market organization, relationships between the regulator / supervisor and the authorities responsible for the protection of competition, subsidiary and procedural specificities shall be analysed. The course gives the student basic descriptive knowledge, analytical mechanisms and abilities. The student must master a series of selected topics and areas.

Predvideni študijski rezultati:

Intended learning outcomes:

Znanje in razumevanje:

Študent pridobi osnovno znanje o delovanju reguliranih trgov, zlasti s strani institucij EU, razlogih za njihovo regulacijo, orodjih za njihovo delovanje, pravnih institutih, sistemih in institucijah nadzora, odstopu od klasične ureditve trga, razmerjih med regulatorjem / nadzornikom in organi, pristojnimi za varstvo konkurence, substančnih in postopkovnih posebnosti. Predmet študenta opremi s temeljnim deskriptivnim znanjem in analitskimi mehanizmi in sposobnostmi. Študent osvoji vrsto izbranih tem in področij. Pridobljeno pravno znanje je neposredno uporabno, saj mora pravnik pri svojem delu poznati gospodarsko okolje. Pravno znanje je neposredno uporabno, ker so temeljno in analitično obdelani instituti in vsebinski sklopi, ki so nujen instrumentarij za uporabo v praksi, omogoča pa tudi nadgradnjo na II. stopnji študija. Pridobljeno znanje omogoča presojo posledic ravnanj gospodarskih subjektov, fizičnih oseb in drugih udeležencev v ekonomskem in pravnem prometu v gospodarskem okolju in pravni ureditvi ter gospodarskem ter pravnem sistemu. Pridobljeno znanje zagotavlja osnovo za razumevanje drugih predmetov s področja gospodarskega prava. Predmet je nadgradnja predmetov Gospodarsko pravo, Pravo EU, Korporacijsko pravo, Bančništvo, zavarovalništvo ter finančni trgi.

Knowledge and Understanding:

The student acquires basic knowledge about the functioning of regulated markets, in particular in the EU, the reasons for regulation, the tools for their operation, legal institutes, systems and supervising institutions, deviation from the classical market organization, relations between the regulator / supervisor and the bodies responsible for protection competition, substandard and procedural specificities. The course enables the student to acquire basic descriptive knowledge and analytical mechanisms and abilities. The student shall master a number of selected topics and areas. The acquired legal knowledge is directly applicable, as the lawyer ought to know the economic environment in his work. Legal knowledge is directly applicable because the student masters the institutes and contents through analytical approach. The course allows upgrading to the second cycle of the study programme. The acquired knowledge enables the assessment of the consequences of the conduct of economic operators, natural persons and other participants in economic and legal traffic in the economic environment and in the legal system and the economic and legal system. The acquired knowledge provides a basis for understanding other courses in the area of commercial law. The course upgrades the courses in Economic Law, EU Law, Corporate Law, Banking, Insurance and Financial Markets.

Metode poučevanja in učenja:

- predavanja (posredovanje temeljnih teoretičnih znanj),
- seminarji (obravnavo posameznih problemov in primerov pred regulatorji, pristojnimi institucijami za varstvo konkurence in sodišči),
- drugo delo (posvetovanja v pripravi seminarjskih nalog)

Learning and teaching methods:

- lectures (basic theoretical knowledge),
- seminars (dealing with individual problems and cases in front of regulators, competent institutions for the protection of competition and courts),
- other activities (consultations in the preparation of seminar papers)

Delež (v %) /

Weight (in %)

Načini ocenjevanja:**Assessment:**

<p>Pisni izpit</p> <p>Izpit se oceni z ocenjevalno lestvico od 5 - 10: od 6-10 (pozitivno) oziroma 5 (negativno); ob upoštevanju Statuta UL in pravil Pravne fakultete.</p>	<p>100 %</p>	<p>Written examination.</p> <p>The exam is assessed with a grading scale from 5 to 10: from 6 to 10 (passing marks) or 5 (fail); having regard to UL Statute and the rules of the Faculty of Law.</p>
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Reference nosilca / Lecturer's references:

Prof. dr. Peter Grilc

GRILC, Peter, Trendi v ureditvi nekaterih reguliranih sektorjev, Podjetje in delo 6/7-2018

GRILC, Peter. Konkurenčno pravo in energetski sektor. *Zbornik znanstvenih razprav*, 2015, letn. 75, str. 35-66, 298-299.

GRILC, Peter. Nove ekonomije, sektorji, produkcijski faktorji in konkurenčno pravo. Podjetje in delo, Letn. 28, št. 6/7). Ljubljana: Gospodarski vestnik. 2002, str. 1476-1485.

Izr. prof. dr. Klemen Podobnik

POOBNIK, Klemen. Nova ekonomija in novi trendi v konkurenčnem pravu. V: *Dnevi slovenskih pravnikov 2002 : od 10. do 12. oktobra v Portorožu*, (Podjetje in delo, ISSN 0353-6521, Letn. 28, št. 6/7). Ljubljana: Gospodarski vestnik. 2002, str. 1486-1493

PODOBNIK, Klemen. Neenako obravnavanje v okolju konkurenčnega prava - diskriminacija ali izključevalna zloraba?. V: ŽNIDARŠIČ SKUBIC, Viktorija (ur.), et al. *Izbrani vidiki ustavnega, civilnega in gospodarskega prava : liber amicorum Lojze Ude*. Ljubljana: Pravna fakulteta: Inštitut za primerjalno pravo. 2016, str. 469-480

DAMJAN, Matija, PODOBNIK, Klemen, VLAHEK, Ana. Slovenia. V: VILAÇA, José Luis da Cruz (ur.), et al. *Congress proceedings. Vol. 1, The internal market and the digital economy = Le marché intérieur et l'économie digitale = Der Binnenmarkt und die digitale Wirtschaft*. Coimbra: Almedina. 2018, str. 667-707

Prof. dr. Miha Juhart

JUHART, Miha, MOŽINA, Damjan, NOVAK, Barbara, POLAJNAR-PAVČNIK, Ada, ŽNIDARŠIČ, Viktorija. *Uvod v civilno pravo*. 1. natis. Ljubljana: Uradni list Republike Slovenije, 2011. 316 str. ISBN 978-961-204-467-1.

PLAVŠAK, Nina, JUHART, Miha, VRENČUR, Renato. *Obligacijsko pravo : splošni del*. 1. natis. Ljubljana: GV založba, 2009. 1174 str., graf. prikazi, tabele. ISBN 978-961-247-127-9.

JUHART, Miha, TRATNIK, Matjaž, VRENČUR, Renato. *Stvarno pravo*. 1. natis. Ljubljana: GV založba, 2007. 714 str. ISBN 978-86-7061-447-5.