UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Neodvisni regulatorji**
Course title:	**Independent regulators**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo 2. stopnje		2	1
Law 2nd Degree		2	1

Vrsta predmeta / Course type:	obvezni modularni/mandatory modular
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
30	0	0	0	120	6

Nosilec predmeta / Lecturer:		doc. dr. Martin Dekleva/ Assist.Prof. Martin Dekleva, PhD
Jeziki/Languages:	Predavanja / Lectures:	slovenski jezik/Slovenian
	Seminar / Seminar:	slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisites:**
Zahteva se vsaj 80 % prisotnost na predavanjih.	At least 80% attendance at lectures is required.

Vsebina:	**Content (Syllabus outline):**
Študenti se poglobljeno seznanijo z neodvisnimi regulatorji v slovenskem pravnem redu ter vsebinskimi koncepti neodvisne regulacije na splošno. Na ravni magistrskega študija so natančno obravnavane posamezne izbrane teme s področja različnih reguliranih sektorjev. I. Splošni del - Opredelitev temeljnih pojmov: regulacija, deregulacija, re-regulacija, liberalizacija - Neodvisni regulatorji – javne agencije – nosilci javnih pooblastil - Pojem in pomen neodvisne regulacije - Predmet neodvisne regulacije - Neodvisni regulatorji v slovenskem pravnem redu (formalni in vsebinski vidiki) - Ustavnopravni položaj neodvisnih regulatorjev - Primerjalnopravni pregled - Organizacijski in postopkovni vidiki neodvisne regulacije - Regulacija kot nadzor; ex ante in ex post regulacija - Pravni akti neodvisnih regulatorjev - Odločanje v posamičnih zadevah - Varstvo temeljnih pravic in postopki	Students gain an in-depth understanding of independent regulators within the Slovenian legal system, as well as the substantive concepts of independent regulation in general. At the postgraduate level, specific selected topics from various regulated sectors are examined in detail. I. General - Definition of key concepts: regulation, deregulation, re-regulation, liberalization - Independent regulators – public agencies – bearers of public authority - The concept and importance of independent regulation - The subject matter of independent regulation - Independent regulators in the Slovenian legal system (formal and substantive aspects) - The constitutional position of independent regulators - Comparative study - Organizational and procedural aspects of independent regulation - Regulation as supervision; ex ante and ex post regulation - Legal acts of independent regulators

pravnega varstva II. Posebni del (izbrane teme) - Varstvo konkurence - Elektronske komunikacije - Zavarovalništvo - Trg finančnih instrumentov - Bančni sistem - Poštne storitve - Energetika	- Decision-making in individual cases - Protection of fundamental rights and legal protection procedures II. Selected topics - Competition protection - Electronic communications - Insurance - Market in financial instruments - Banking system - Postal services - Energy sector

Temeljna literatura in viri / Readings:

Obvezna / Compulsory:

1. Avbelj, M. (ur.), Komentar Ustave Republike Slovenije, Nova univerza, Evropska pravna fakulteta, Nova Gorica 2019.
2. Bugarič, B. in drugi, Komentar zakonov s področja uprave, Inštitut za javno upravo pri Pravni fakulteti, Ljubljana 2004.
3. Grilc, P., in drugi, Zakon o preprečevanju omejevanja konkurence (ZPOmK-1) s komentarjem, GV založba, Ljubljana 2009.
4. Kocbek, M., in drugi, Zakon o prevzemih (ZPre-1), GV Založba, Ljubljana 2006.
5. Bohinc, R., Osebe javnega prava: javni zavodi, javna podjetja, javne agencije, javni skladi, GV Založba, Ljubljana 2005.
6. Ferk, P., Ferk, B., Javne službe, državne pomoči in javno-zasebna partnerstva, GV Založba, Ljubljana 2008.
7. OECD (2016), Being an Independent Regulator, The Governance of Regulators, OECD Publishing, Paris, https://www.oecd.org/en/publications/being-an-independent-regulator_9789264255401-en.html.
8. Relevantna zakonodaja, izbrane (zlasti novejše) odločitve Vrhovnega sodišča Republike Slovenije in Ustavnega sodišča Republike Slovenije ter literatura, ki bo študentom predstavljena na predavanjih.

Priporočena / Recommended:

1. Čebulj, J., Strmecki, M., Upravno pravo, Fakulteta za upravo, Ljubljana 2006.
2. Maggetti, M., in drugi (ur.), Handbook of Regulatory Authorities, Edward Elgar Publishing, Cheltenham 2022.
3. Craig, P., EU administrative law, Oxford University Press, Oxford 2018.
4. OECD (2014), The Governance of Regulators, OECD Best Practice Principles for Regulatory Policy, OECD Publishing, Paris, https://www.oecd.org/en/publications/the-governance-of-regulators_9789264209015-en.html.
5. OECD (2024), The Role of Economic Regulators in the Green Transition: Driving Sustainable Change in Network Sectors, The Governance of Regulators, OECD Publishing, Paris, https://www.oecd.org/en/publications/the-role-of-economic-regulators-in-the-green-transition_7d4704c9-en.html.
6. Pavliha, M., Zavarovalno pravo, GV Založba, Ljubljana 2007.

Cilji in kompetence:	**Objectives and competences:**
Študentje bodo razvili **splošne kompetence**: • usvojili bodo sposobnost prepoznavanja pravnih problemov, ki so v danih situacijah bistvenega pomena, • razvili bodo sposobnost natančnega branja, razumevanja in pisanja oziroma izražanja, • naučili se bodo razlage in uporabe pravnih pravil, • spoznali bodo metode pravnega raziskovanja,	Students will develop the following **general competences**: • They will develop the ability to identify legal issues that are essential in specific situations. • They will enhance their skills in precise reading, comprehension, and writing or expression. • They will learn to interpret and apply legal rules.

• pridobili bodo sposobnosti kritične analize pridobljenih znanj, • razvili bodo sposobnosti sodelovanja pri razreševanju pravnih problemov in razumevanja ter usklajevanja različnih stališč, • naučili se bodo argumentirati svoja mnenja glede splošnih in konkretnih pravnih vprašanj, • nadgradili bodo veščine različnih oblik komunikacije, • naučili se bodo razreševanja konkretnih pravnih problemov na osnovi splošnih spoznanj, • nadgradili bodo obstoječa znanja in izkušnje na drugih pravnih področjih, • bolje bodo razumeli pravne ureditve drugih držav, • razvili bodo tudi občutek za etično in moralno dimenzijo prava.		• They will become familiar with methods of legal research. • They will gain the ability to critically analyze acquired knowledge. • They will develop collaborative skills for resolving legal problems and understanding and reconciling differing opinions. • They will learn to articulate their opinions on general and specific legal issues. • They will improve their skills in various forms of communication. • They will learn to solve specific legal problems based on general findings. • They will build upon existing knowledge and experience in other areas of law. • They will have a better understanding of the legal frameworks of other countries. • They will also develop an awareness of the ethical and moral dimensions of law.
Študentje bodo razvili **predmetno-specifične kompetence**: • seznanili se bodo s področjem neodvisne regulacije in pravnimi pojmi na tem področju, • seznanili se bodo z delovanjem neodvisnih regulatorjev in njihovim pravnim položajem, • spoznali bodo pravne vire na področju neodvisne regulacije, • spoznali bodo slovenski sistem neodvisne regulacije ter vplive prava Evropske unije, • razumeli bodo ustavnopravne vidike neodvisne regulacije, • seznanili se bodo s pomembnimi stališči upravne in sodne prakse, • seznanili se bodo z umestitvijo neodvisne regulacije v mednarodnem prostoru, • spoznali bodo pravne postopke pred neodvisnimi regulatorji in pomembne specifike teh postopkov, • razumeli bodo razmerja med posamezniki in neodvisnimi regulatorji, • spoznali bodo upravnopravne vidike različnih reguliranih sektorjev, • spoznali bodo načine varstva temeljnih pravic v postopkih pred neodvisnimi regulatorji, • naučili se bodo prepoznavati in razreševati relevantna pravna vprašanja na konkretnih primerih s področja neodvisne regulacije, • znali bodo kritično predstaviti različne bistvene elemente neodvisne regulacije.		Students will develop the following **course-specific competences:** • They will become familiar with the field of independent regulation and its legal concepts. • They will gain an understanding of the functioning of independent regulators and their legal position. • They will become familiar with the legal sources in the area of independent regulation. • They will learn about the Slovenian system of independent regulation and the influence of European Union law. • They will understand the constitutional and legal aspects of independent regulation. • They will become familiar with important administrative and judicial practice related to the field of independent regulation. • They will gain an understanding of the independent regulation in the international context. • They will learn about the legal procedures before independent regulators and the relevant specifics of these procedures. • They will understand the relationships between individuals and independent regulators. • They will become familiar with the administrative law aspects of various regulated sectors. • They will learn about the methods of protecting fundamental rights in procedures before independent regulators. • They will learn to identify and resolve relevant legal issues in specific cases related to the field of independent regulation. • They will be able to critically present essential elements of independent regulation.

Predvideni študijski rezultati: **Znanje in razumevanje:**	**Intended learning outcomes:** **Knowledge and understanding:**

Študent bo:

- celovito poznavanje in razumevanje neodvisne regulacije na magistrski ravni,
- natančna umestitev področja neodvisne regulacije v slovenskem (upravno)pravnem sistemu in razumevanje razmerij z drugimi pravnimi panogami,
- poglobljeno poznavanje teoretičnih in praktičnih izhodišč neodvisne regulacije,
- široko razumevanje upoštevnih pojmov na področju neodvisne regulacije,
- široko razumevanje vplivov prava Evropske unije,
- razumevanje neodvisne regulacije v mednarodnem okolju,
- poznavanje različnih neodvisnih regulatorjev v vsebinskem in postopkovnem pogledu,
- razumevanje pravil in načel postopkov pred neodvisnimi regulatorji,
- razumevanje uporabe različnih pravnih sredstev v postopkih pred neodvisnimi regulatorji,
- sposobnost poglobljene in kritične analize prakse upravnih organov in sodišč,
- poznavanje aktualnega znanstvenega razvoja na področju neodvisne regulacije,
- razumevanje odprtih pravnih vprašanj, ki zadevajo neodvisno regulacijo,
- poznavanje in uporabljanje različnih metodoloških pristopov pri raziskovanju na področju neodvisne regulacije,
- povezovanje različnih pravnih znanj,
- uporabljanje spoznanj teorije v praksi,
- natančno in poglobljeno razumevanje delovanja neodvisnih regulatorjev in pravil postopkov pred njimi.

Students will:

- comprehensive knowledge and understanding of independent regulation at the postgraduate level,
- a precise understanding of the position of independent regulation within the Slovenian (administrative) legal system and its relationship with other branches of law,
- in-depth knowledge of the theoretical and practical foundations of independent regulation,
- a broad understanding of relevant concepts in the field of independent regulation,
- a broad understanding of the influence of European Union law,
- understanding of independent regulation in an international context,
- knowledge of various independent regulators from substantive and procedural perspectives,
- understanding of the rules and principles governing procedures before independent regulators,
- understanding the use of different legal remedies in procedures before independent regulators,
- ability to conduct in-depth and critical analysis of the practices of administrative bodies and courts,
- knowledge of current scientific developments in the field of independent regulation,
- understanding of current legal issues related to independent regulation,
- knowledge and application of various methodological approaches in research connected to independent regulation,
- integration of knowledge from different areas of law,
- application of theory in practice,
- a precise and in-depth understanding of the functioning of independent regulators and the procedural rules before them.

Metode poučevanja in učenja:

Oblike dela:

☒ Frontalna oblika poučevanja
☒ Delo v manjših skupinah oz. individualno
☒ Samostojno delo študentov
☒ študij s pomočjo IKT tehnologije
☐ drugo (vpišite) _____

Metode (načini) dela:

☒ Razlaga
☒ Razgovor/ diskusija/debata
☒ Delo z besedilom
☒ Proučevanje primerov raziskav
☐ Igra vlog
☐ Druge vrste nastopov študentov
☐ Reševanje nalog/vaje
☐ Študijski obiski podjetij ipd.)

Learning and teaching methods:

Types of learning/teaching:

☒ Frontal teaching
☒ Work in smaller groups or individual work
☒ Independent students work
☒ studies using ICT technology
☐ other _____

Teaching methods:

☒ Explanation
☒ Conversation/discussion/debate
☒ Work with texts
☒ Research case studies
☐ Role-play
☐ Different presentation
☐ Solving exercises/study exercises
☐ Field work (e.g. company visits)

☐ Vključevanje gostov iz prakse ☐ Udeležba na okrogli mizi, na konferenci	☐ Inviting guests from companies ☐ Attending round table and conference

Načini ocenjevanja: **Način (pisni izpit, ustno izpraševanje, naloge, projekt)**	**Teža (v %) / Weight (in %)**	**Assessment:** **Type (examination, oral, coursework, project)**
Sprotno ustno (aktivno sodelovanje pri kontaktnih urah in pri raziskavah)		Oral verification and assessment of knowledge
Sprotno pisno preverjanje znanja (krajši pisni izdelki)		Written verification and assessment of knowledge (short written casework)
Daljši pisni izdelki (seminarska naloga, projektna naloga, raziskovalna poročila)		Longer written casework
Javni nastop in predstavitev lastnega raziskovalnega dela		Public presentation of one's research
Končni ustni izpit		Final examination (oral)
Končni pisni izpit	**100 %**	Final examination (written)
Drugo (vpišite)		Other:

Reference nosilca / Lecture's references:

Martin Dekleva je docent za Upravno pravo in Pravo javne uprave na Evropski pravni fakulteti (Nova univerza). Diplomiral je leta 2012 na Pravni fakulteti Univerze v Ljubljani. Na isti fakulteti je leta 2017 tudi doktoriral s področja upravnega prava. Leta 2015 je opravil pravniški državni izpit. Dejaven je tako v praksi kot na znanstveno-raziskovalni ravni. Zaposlen je kot svetovalec na Ustavnem sodišču Republike Slovenije, bil pa je tudi odvetnik in strokovni sodelavec na Upravnem sodišču Republike Slovenije. V okviru svojega dela je med drugim sodeloval pri oblikovanju zakonodaje, ki je povezana z upravnopravnim področjem, pripravljal je različna pravna mnenja in se udejstvoval tudi na mednarodni ravni. Je avtor več strokovnih in znanstvenih člankov.
E-povezava do bibliografije v sistemu SICRIS: https://cris.cobiss.net/ecris/si/sl/researcher/55633.

Martin Dekleva is an Assistant Professor in the field of Public Administration and Administrative Law at the European Faculty of Law (New University). He graduated in 2012 from the Faculty of Law at the University of Ljubljana. At the same faculty he also obtained his PhD in administrative law in 2017. In 2015, he passed the state bar exam. He is active both in practice and at the scientific-research level. He works as an advisor at the Constitutional Court of the Republic of Slovenia and has also been a senior associate in a law firm and a legal assistant at the Administrative Court of the Republic of Slovenia. In the context of his work, he has participated in drafting legislation related to administrative law, prepared various legal opinions and has been active internationally. He is the author of several professional and scientific articles.
Electronic link to the bibliography in the SICRIS system: https://cris.cobiss.net/ecris/si/sl/researcher/55633.