### SUBJECT DETAILS

<table>
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<tr>
<th>Data on the subject</th>
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<tbody>
<tr>
<td><strong>Name</strong></td>
<td>EU Industry Regulation (Energy, Telecoms, Media, Transport) &amp; EU Public Procurement Law</td>
</tr>
<tr>
<td><strong>Degree</strong></td>
<td>Postgraduate in Master in International and European Business Law</td>
</tr>
<tr>
<td><strong>Year</strong></td>
<td>2018-19</td>
</tr>
<tr>
<td><strong>Nature</strong></td>
<td>Spring</td>
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<td><strong>ECTS Credits</strong></td>
<td>3 ETCS Credits</td>
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<td><strong>Department</strong></td>
<td>LAW</td>
</tr>
<tr>
<td><strong>Area</strong></td>
<td>Commercial Law</td>
</tr>
<tr>
<td><strong>Teaching staff</strong></td>
<td>Guillermo González de Olano/Federico de Montalvo Jääskeläinen</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Data on the teaching staff</th>
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</thead>
<tbody>
<tr>
<td><strong>Teaching staff</strong></td>
<td>Guillermo González de Olano</td>
</tr>
<tr>
<td><strong>e-mail</strong></td>
<td><a href="mailto:ggdeolano@comillas.edu">ggdeolano@comillas.edu</a></td>
</tr>
<tr>
<td><strong>Telephone</strong></td>
<td>636 455 702</td>
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<tr>
<td><strong>Office</strong></td>
<td>Pº Castellana 259-C (Torre de Cristal) 31st Floor</td>
</tr>
<tr>
<td><strong>Tutoring Schedule</strong></td>
<td>Upon request from students</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Teaching staff</strong></td>
<td>Federico de Montalvo Jääskeläinen</td>
</tr>
<tr>
<td><strong>e-mail</strong></td>
<td><a href="mailto:fmontalvo@comillas.edu">fmontalvo@comillas.edu</a></td>
</tr>
<tr>
<td><strong>Telephone</strong></td>
<td>915422800 (Ext. 2258)</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td>CID-ICADE, Law Faculty (ICADE)</td>
</tr>
<tr>
<td><strong>Tutoring Schedule</strong></td>
<td>Upon request from students</td>
</tr>
</tbody>
</table>

### SPECIFIC DATA ON THE SUBJECT

| **Pre-requisites** | None |
**Contribution of the degree to the professional profile**

- Provide a general understanding of industry regulation in the EU, its tools, objectives and interaction with other areas of EU Law (such as Competition Law).
- Provide a general vision and understanding of the EU Public Procurement regime and, more specifically, of the main aspects of PPPs infrastructure in Europe.
- Analyse the regulation, procedures, strategic and corporate aspects and principal contracts applicable to motorway and water concession projects.
- Provide a general understanding of health regulation and health industry in the EU, its tools, objectives and interaction, comparing them to the US health regulation.

**COMPETENCES TO BE IMPROVED**

What skills you’ll gain from this class:

**Generic:**
- GC 1: Analysis and synthesis abilities
- GC 3: Ability to manage information
- GC 7: Ability to work in an international context
- GC 8: Critical appraisal skills
- GC 10: Ability to develop autonomous learning skills
- GC 11: Concern for quality
- GC 12: Ability to apply theoretical knowledge into practice

**Specific:**
- SC 8 - Knowing in depth the main rules regulating markets in special sectors (like financial markets, utilities and markets for consumer goods)

**THEMATIC AREA AND CONTENT**

**AREA 1: EU Industry Regulation (Energy, Telecoms, Media, Transport)**

**Theme 1: Historical overview**

1.1 Economic features of network industries
1.2 The deregulation of network industries
   - 1.2.1 The role of technological evolution
   - 1.2.2 The role of industrial policy
   - 1.2.3 Deregulation and re-regulation
1.3 Legal basis for the deregulation of network industries
   - 1.3.1 Article 106 TFEU
   - 1.3.2 Article 114 TFEU
### Theme 2: Energy

#### 2.1 European energy policy
- 2.1.1 Energy policy for Europe
- 2.1.2 Market-based instruments
- 2.1.3 Energy technologies
- 2.1.4 Financial instruments

#### 2.2 Internal energy market
- 2.2.1 The market in gas and in electricity
- 2.2.2 Trans-European energy networks
- 2.2.3 Infrastructure
- 2.2.4 Security of supply
- 2.2.5 Public procurement
- 2.2.6 Taxation

#### 2.3 Energy efficiency
- 2.3.1 Energy efficiency of products
- 2.3.2 Building and services

#### 2.4 Renewable energy
- 2.4.1 Electricity
- 2.4.2 Heating and cooling
- 2.4.3 Biofuels

#### 2.5 Nuclear energy
- 2.5.1 Euratom
- 2.5.2 Research and technology
- 2.5.3 Safety
- 2.5.4 Waste

#### 2.6 Security of supply, external dimension and enlargement
- 2.6.1 Security of supply
- 2.6.2 External relations
- 2.6.3 European energy Charter
- 2.6.4 Treaty establishing the Energy Community,
- 2.6.5 Enlargement

### Theme 3: Telecoms

#### 3.1 Telecoms general framework: Connected continent

#### 3.2 Access

#### 3.3 Authorisation

#### 3.4 Universal Service

#### 3.5 Privacy and Electronic Communications

#### 3.6 Telecoms & the Internet
### Theme 4: Media

4.1 Audio-visual Media Policy  
4.2 Protection of minors  
4.3 Cinema, film heritage and film industry

### Theme 5: Transport

5.1 Introduction: General European transport policy  
5.2. Air  
5.3 Road  
5.4. Rail  
5.5 Maritime  
5.6 Inland waterways

### AREA 2: EU public procurement Directives and their enforcement

#### Theme 1: General Overview

1.11.1 Basic Concepts and Goals of Public Procurement  
1.2 Framework International Regulations on Public Procurement  
   1.2.1 WTO Agreement on Government Procurement  
   1.2.2 Institutional Rules on Procurement  
   1.2.3 UNCITRAL Model Law on Procurement of Goods, Construction and Services  
1.3 Public Procurement in the EU  
   1.3.1 EU Directives on Public Procurement (new directives vs. old ones)  
   1.3.2 Reference to National Rules for Below-Thresholds Procurement and Contracts Outside the Blueprint of the Directives

#### Theme 2: Specifics of EU Public Procurement Rules (I)

2.1 Design / Initial stages in the Procurement Process  
   2.1.1 Selection of Procedures  
   2.1.2 Setting of Participation Criteria and Exclusion Clauses  
   2.1.3 Drafting of Bid Documents  
   2.1.4 Drafting of Technical Specifications  
   2.1.5 Inclusion of Social and Environmental Criteria, and Other Secondary Policies  

Analysis of Relevant Case Law of the European Court of Justice

#### Theme 3: Specifics of EU Public Procurement Rules (II)

3.1 Award of Contracts and Challenge/Revision Mechanisms  
   3.1.1 Bid Evaluation (with specific reference to treatment of abnormally low tenders)  
   3.1.2 Award of the Contract  
   3.1.3 Challenges, Protests and Revision of Award Decisions (including stand-still)
## Analysis of Relevant Case Law of the European Court of Justice

### Theme 4: Strategic Analysis of Procurement Uses

#### 4.1 Strategic Analysis of the Use of Procurement
- 4.1.1 The Use of Procurement as a Tool for Economic Development
- 4.1.2 The Use of Procurement as a Tool for Social and Environmental Development
- 4.1.3 Preventing Corruption in Procurement

### AREA 3: Infrastructure Concessions

#### Theme 1: General Overview
- 1.1 Concession Projects and PPS
- 1.2 Motorway Projects

#### Theme 2: The Bidding Process
- 2.1 Type of Procurement Processes
- 2.2 The Bidding Package
- 2.3 The Contract
- 2.4 Case: Presentation of an Offer in a bidding process: concession contract negotiation

#### Theme 3: The Consortium: finding the right partners
- 3.1 Case: Analysis of different shareholders’ agreement provisions depending on the composition of the Consortium

### AREA 4: EU Health Law

#### Theme 1: General Overview: relevance of health from legal, social and economic perspective
- 1.1 Importance of Healthcare in EU: economic and political perspective.
- 1.2 A comparison between health in US and EU

#### Theme 2: Health in the EU legal system: from the Treaty on the European Union to the cross-border healthcare Directive
- 2.1 Health at the beginning of EC and EU: the absence
- 2.2 First regulations in the area of health: public health crisis
- 2.3 A European common framework in the area of health system based on case law: the position of ECJ about cross-border healthcare and parallel imports in pharmaceutical
### BIBLIOGRAPHY AND RESOURCES

#### AREA 1: EU Industry Regulation (Energy, Telecoms, media, Transport)

**Historical Overview**


**Energy**


6. Treaty establishing the European Atomic Energy Community (Euratom)


**Telecoms**


2. Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union Text with EEA relevance


Media

1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-visual Media Services Directive)

Transport


2. Guide to European Community legislation in the field of civil aviation (June 2007)

3. Common rules for the operation of air services


5. Commission Communication of 17 September 2010 concerning the development of a Single

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52004DC0140:EN:NOT

7. Freedom to supply services, unfair pricing practices and free access to ocean trade


AREAS 2 and 3: EU public procurement Directives and their enforcement / Infrastructure concessions

Text books

Arrowsmith, S (ed), Public Procurement Regulation: An Introduction (2011) available at www.nottingham.ac.uk/law/pprg

Avery, N., Public-Private Partnerships (Globe Business Publishing Ltd, 2010)


Nihoul, P & Rodford, P, EU Electronic Communications Law (OUP, 2011)


Chapters of books

www.adb.org/documents/handbooks/Public-Private-Partnerhip/chapter7.pdf

Articles


EIB’s Role in PPPS:


“A guide to guidance” Sourcebook for PPPs, by the European PPP Expertise Centre.
Public information on EU Public Procurement

### Legislation


### AREA 4: EU health law

#### Text books


#### Chapters of books

#### Articles


Legislation

1. Art. 168 Treaty on the functioning of EU

TEACHING METHODOLOGY PART 1 AND 2

General methodological aspects of the subject

Contact hours methodology: Activities

Participative classes, case study, presentations

Independent study methodology: Activities

Analysis of the information provided/suggested.

SUMMARY OF STUDENT WORK HOURS – PART 1 AND 2

<table>
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<th>Number of class hours</th>
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<td>Practical class</td>
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<td>5</td>
<td>10</td>
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<td>Work in collaboration</td>
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<tr>
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## GRADE EVALUATION AND CRITERIA – PROFESSOR GONZALO DE OLAN

<table>
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<tr>
<th>Evaluation Activities</th>
<th>Generic Competences</th>
<th>Indicators</th>
<th>Evaluation Weighting</th>
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| Participation           | GC 1: Analysis and synthesis abilities  
GC 3: Ability to manage information  
GC 8: Critical appraisal skills  
GC 11: Concern for quality  
GC 12: Ability to apply theoretical knowledge into practice | Active and substantive participation in class. Student demonstrates he or she read the material. | 5%                   |
| Exam 1 (Continuous Eval)| GC 1: Analysis and synthesis abilities  
GC 3: Ability to manage information  
GC 8: Critical appraisal skills  
GC 10: Ability to develop autonomous learning skills  
GC 11: Concern for quality  
GC 12: Ability to apply theoretical knowledge into practice  
SC 8 - Knowing in depth the main rules regulating markets in special sectors (like financial markets, utilities and markets for consumer goods) | Indicators to be discussed in class                                                        | 35%                  |
| Exam 2                  | GC 1: Analysis and synthesis abilities  
GC 3: Ability to manage information  
GC 8: Critical appraisal skills  
GC 10: Ability to develop autonomous learning skills | Indicators to be discussed in class                                                        | 50%                  |
<table>
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<th>Evaluation Activities</th>
<th>Generic Competences</th>
<th>Indicators</th>
<th>Evaluation Weighting</th>
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<tr>
<td><strong>Continuous Evaluation</strong></td>
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<td>GC 8: Critical appraisal skills</td>
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<tr>
<td></td>
<td>GC 10: Ability to develop autonomous learning skills</td>
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<td>SC 8 - Knowing in depth the main rules regulating markets in special sectors (like financial markets, utilities and markets for consumer goods)</td>
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<td><strong>Final Examination</strong></td>
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<td>GC 8: Critical appraisal skills</td>
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<td>GC 10: Ability to develop autonomous learning skills</td>
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**GRADE EVALUATION AND CRITERIA – PROFESSOR FEDERICO MONTALVO**

**Attendance**

10%
<table>
<thead>
<tr>
<th>GC 11: Concern for quality</th>
<th>SC 8 - Knowing in depth the main rules regulating markets in special sectors (like financial markets, utilities and markets for consumer goods)</th>
<th>Attendance</th>
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Attendance | 10% |