



Syllabus

Academic Year	2020/2021
Program	Law, Digital innovation and Sustainability
Course	Regulatory innovation
Term	I semester
Year	2
SSD	IUS/10 – Administrative Law
CFU	6

INSTRUCTIONAL GOALS

The course will discuss and analyze social, economic and political phenomena that are shaking law. The course's goal is to furnish students the necessary skills to understand and govern the innovation related to law and legal system. Therefore, the main purpose of the course is to give students the legal, economic, social and institutional tools able to restore legal order and classic schemes.

INTENDED LEARNING OUTCOMES

Knowledge and understanding:

By the end of the course, students should be able to:

- Know and understand the general framework that govern the regulatory institutional architecture and discern the peculiar mechanism ruling the matter;
- Perceive different regulatory innovation tools, their changes and their challenges over time, as well as their future prospects;
- Recognize the influence that technological and digital innovation could or should have on the regulatory system.

Applying knowledge and understanding:

Upon completing the study program, students will be able to:

- discern the various functioning mechanism ruling the matter of innovation and understand the different perspectives that the innovation and the sustainability could offer to this subject;
- effectively communicate and work, as an expert in regulatory and innovation issues.

Making judgments:

Upon completing the study program, students will be able to:

- find out new possible ways that could interest the regulatory world, in terms of technological and digital innovation, as well as in terms of sustainability;
- discern the different outcomes that could derive from a correct application of the main technological and digital innovation, and evaluate the most relevant aspect of each of them.

Communication skills:

By the end of the course students should be able to:



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- Develop the ability to communicate in written form through completing the assignment and oral form through the final exam and the class debate;
 - Use the notions and the communication language that characterize the digital and technological world, as well as handle with the regulatory language;
 - Foster the development relational skills in international and multicultural settings.

Learning skills:

Upon completing the study program, students will be able to:

- deal with projects or cases with greater awareness of the techniques and innovative tools of law in the field of new technologies, sustainability and innovation in general, due to the problem-based approach, consisting in attending workshops and carrying out project work alongside traditional teaching method;
- solve critical problems and develop dynamic settings in the aforesaid subject.

Prerequisites	Students that passed the exam of Law and policy of innovation and sustainability can enroll in this course.
Course contents / Program	<p>This course analyzes the legal, regulatory and policy regimes that shape the introduction of new institutions, products, processes, and services that have an impact on society, economy and the government.</p> <p>The first part of the course will be devoted to the analysis of what can be defined the administrative law principles governing the regulatory oversight of innovation. The course will deal with the issue of how to analyze and treat from a regulatory standpoint the technological developments (i.e. robotics; artificial intelligence and machine learning; blockchain technology) that are producing or will produce a disruptive impact on crucial aspects of life. This part of the course will address the topic from different perspectives, ranging from topics such as:</p> <ul style="list-style-type: none">• models of regulation (e.g. self-regulation, market-based instruments, contractual regulation, etc);• the EU model of regulation as a risk regulation;• antitrust profiles;• the principles guiding regulatory oversight such as:<ul style="list-style-type: none">○ principle of subsidiarity;○ principle of proportionality;○ principle of participation;○ precautionary principle;• democratic and organizational aspect of regulatory institutions and therefore the models of administration. <p>A second part will be dedicated to risk governance and the search for new frameworks and tools for the exercise of administrative powers, with a view to ensuring safety and security. By analyzing how innovative regulatory and administrative supervision applies in specific sectors, this part of the course aims to provide a critical and practical understanding of how legal instruments and administrative organization may (or fail to) assist innovation. It will be built reflecting a bi-dimensional approach: the problems arising from the tensions between innovation for sustainability and economic sustainability of innovation will be tackled at the regulatory level and at the level of administrative adjudication. Risk governance will be assessed in specific sectors, such as health and medicine, and environmental protection, and taking specific case studies. Analysis and discussion of the cases shall include systemic as well as case-specific factors such as:</p> <ul style="list-style-type: none">• Identification of the risk• Development of policies and regulation for innovation• Implementation through administrative decisions• The ambivalent role of the courts• Public-private dynamics.



A deep dive in the case law on administrative and regulatory oversight, as well as judicial review will be part of the overview.

Testi Di Riferimento /
Reference Books

The analysis of very recent or current issues makes it impossible to refer to a specific textbook. Slides will be made available to students for some classes to give the opportunity to better follow the lectures. However, in order to have a general and analytical view on the regulatory innovations in the Euro area, you can refer to:

Shapiro S A, 'Outsourcing Government Regulation' (2003) 53 Duke Law Journal 389;

Barnes J, Functional Approach to Administrative Law (Regulatory Activities and Public Services) in GB Auby, The future of administrative law (LexisNexis 2019), 79;

Pelkmans J and Renda A, 'Does EU regulation hinder or stimulate innovation?' (2014) CEPS Special Report, available at <https://www.ceps.eu/system/files/No%2096%20EU%20Legislation%20and%20Innovation.pdf>;

P Craig, 'Challenges for Administrative Law', in GB Auby, The future of administrative law, LexisNexis, 2019, 75;

T Tridimas, 'Indeterminacy and Legal Uncertainty in EU Law' in J Mendes (ed), Executive Discretion and the Limits of the Law (Oxford University Press 2019); Penn State Law Research Paper No. 07-2019, available at SSRN: <https://ssrn.com/abstract=3319870>;

P Craig, 'Delegated and Implementing Acts' in R Schütze and T Tridimas (eds), Oxford Principles of European Union Law (Oxford University Press 2018), 716;

M Simoncini, Administrative Regulation beyond the Non-Delegation Doctrine (Hart Publishing 2018), Chapter 1 (The Non-Delegation Doctrine and the Limits to EU Agencies' Powers), pp. 14-48;

W Sauter, 'Proportionality in EU Law: A Balancing Act?' (2013) 15 Cambridge Yearbook of European Legal Studies 439;

A-M J.P. Janssen and N F Rosenstock, 'Handling Uncertain Risks: An Inconsistent Application of Standards? The Precautionary Principle in Court Revisited' (2016) European Journal of Risk Regulation 144

A. Sandulli, Orphan drugs for the treatment of rare diseases. A comparative public law perspective, IJPL, 2, 2019

Teaching Methods

Lectures are composed of frontal teaching methods through slides given before the lesson and covering each of the specific topics addressed in it. Furthermore, lessons will consist in workshops with experts and key figures in the field of innovation, as well as group work, moot courts, role games.

Assesment method

Submission of a paper on a topic relevant to the course, class participation and presentation:
40% class participation;
30% presentation, moot court, role game;



30% paper evaluation.

The paper (5 to 15 pages, preferably 10 | 1 page = 2.500 characters including spaces | 12.500 characters for 5 pages to 37.500 characters for 15 pages) must be submitted by email seven days before the date of exam.
