**“Introduction to the Italian administrative law”**

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The Erasmus intensive course «Introduction to the Italian administrative law» focuses on the main topics of Italian administrative law, in order to understand its features and give the basis for subsequent, more detailed studies. In the Italian system of administrative law the connection between substantial and procedural aspects is very strong; this is the reason why it has been chosen to introduce also the essential elements of administrative justice. Finally the course focuses on “administrative liability”: this is a typical example, more significant than others, of the influence of the European law on the Italian administrative one.

**Monday 13 November, 9 a.m. – 11 a.m.**

**A reading of Italian administrative law through the Italian Constitution**

This is the first meeting with the class and, probably, the first meeting with Italian administrative law.

This lecture aims to introduce the essential concepts necessary to understand the Italian system, the institutes we are going to deal with and their context. Italian administrative law has a long history and it is impossible to describe it in only two hours. So, we will try to do an “experiment”: the subject will be “discovered” through the articles of the Italian Constitution concerning the public administration.

* Analysis of the Italian Constitution: artt. 2, 3, 28, 97, 103, 113
* fundamental principles of Italian administrative law
* key words of the Italian system of administrative law

**Tuesday, 14 November, 9 a.m. – 11 a.m.**

**What is the Italian “Legitimate interest”(“interesse legittimo”)?**

**The administrative discretionary (“discrezionalità amministrativa”)**

This lecture is dedicated to the central elements of Italian administrative law: the “legitimate interest” (the English translation of the Italian word “interesse legittimo”) and the administrative discretionary (the Italian “ discrezionalità amministrativa”)

In the first part of the lecture we will try to understand what a “legitimate interest” is and why it is so important in the Italian system of administrative law.

The existence of legitimate interests is strongly related to the “administrative discretionary”: we will analyze what this specific activity is, its characteristics and the differences with other administrative activities.

**Wednesday 14 november**: **9 a.m. -11 a.m.**

**The core of the administrative activity: the administrative procedure. A brief analysis of l. 241/1990.**

The procedure can be considered the core of the administrative activity. For this reason, this lecture will be dedicated to the analysis of law 241/1990, the general law about administrative procedures. The aim of this lecture is to demonstrate which solution the Italian legislator has chosen to balance different and sometimes opposite needs: the need for a ritual procedure, the achievement of fast decisions, the simplification of the procedures. In addition to the analysis of the main phases of the administrative procedure, a specific attention will be given to the so called s.c.i.a. (the acronym of Italian “segnalazione certificata inizio attività”, a notice of commencement of business) and to the “silence approval” (in Italian, “silenzio assenso”).

**Thursday 15 november 9 a.m. -11 a.m.**

**Administrative justice**

The lecture is dedicated to the Italian administrative justice. We are going to examine: its organization~~s~~, the criteria to share the jurisdiction between civil/penal courts (in Italian, “ordinary justice”) and administrative courts. The lecture will focus on the administrative process and its typical action (the annulment action); we will analyze how it has changed since the end of the last century and how this change has increased the effectiveness of judicial decisions.

**Friday** 16 November 9 a.m. – 11 a.m.

**The administrative liability**

In the last lecture we will deal with the “administrative liability” and we will take in specific consideration the civil liability, that derives from the infringement of legitimate interests. This is an important example of how Italian administrative law has changed under the influence of the European law. The European Court of Justice judicial decisions on State liability have put the basis to break an ancient Italian principle- the irresponsibility of the public administration - and have allowed a judicial action to restore the damages caused by an illegitimate administrative act. The enforcement of the European jurisprudence has influenced the administrative process too, giving to the administrative judge the power to condemn the administration to restore the damages it has caused.