



**SAPIENZA**  
UNIVERSITÀ DI ROMA

School of Law

**Prof. Marco D'Alberti**  
**Administrative Law**  
**Academic Year 2013/2014**

**English Course**

**ADMINISTRATIVE LAW AND REGULATION OF MARKETS  
IN THE GLOBAL AGE**

**Lectures and materials<sup>1</sup>**

**From Wednesday April 23, 2014 to Wednesday May 14, 2014**

***1. Introductory remarks.***

***Public and administrative regulation of markets from XIX century to our times.***

Materials:

1. M. D'Alberti, *Administrative Law and the Public Regulation of Markets in a Global Age*, in S. Rose-Ackermann and P. Lindseth (eds.), *Comparative Administrative Law*, Northampton, Edward Elgar Publishing, 2011.

***2. What is "regulation"? Sectoral regulation and antitrust.***

Materials:

2. OECD, *Regulatory Reform*, Paris, 1997.

---

<sup>1</sup> Cases and materials can be downloaded on this website:  
<http://www.scienze giuridiche.uniroma1.it> (Professor Marco D'Alberti's Home Page).  
Materials should be read before the correspondent lectures are given.

3. S. Breyer, *Regulation and Its Reform*, Cambridge, Harvard University Press, 1982.
4. G. Amato, *Antitrust and the Bounds of Power*, Oxford, Hart Publishing, 1997.
5. T. Daintith, *Regulation*, in R. Bauxbaum and F. Madl (eds.), *State and Economy*, Mohr, Tübingen, 1997.
6. A. Ogus, *Regulation. Legal Form and Economic Theory*, Oxford, Clarendon Press, 1994.

### ***3. Public regulators in the global space. Regulatory measures and procedures.***

Materials:

7. B. Kingsbury - N. Krisch - R. B. Stewart - J. B. Wiener, *The Emergence of Global Administrative Law*, 68 “Law and Contemporary Problems” Summer/Autumn 2005.
8. B. Obama, *Toward a 21<sup>st</sup> Century Regulatory System*, The Wall Street Journal, 18 Jan. 2011.
9. B. Obama, *Improving Regulation and Regulatory Review – Executive Order*, The White House Press Office, 18 Jan. 2011.

### ***4. The duty to justify regulation. Decreasing discretionary power.***

Materials:

10. Directive no. 2006/123/EC (art. 15), on services in the internal market.
11. Directive no. 2006/48/EC (recitals and arts. 6 - 22), relating to the taking up and pursuit of the business of credit institutions.
12. Directive no. 2002/20/EC, on the authorisation of electronic communications networks and services (as modified by directive no. 2009/140/EC).

### ***5. Antitrust primacy over sectoral regulation.***

Materials:

13. M. D’Alberti, *Competition Law and Regulatory Reform*, London, Esperia Publications, 2008.
14. European Court of Justice, 9 September 2003, in Case C-198/01, *Consorzio Industrie Fiammiferi, CIF v. Autorità Garante della Concorrenza e del Mercato*, European Court Reports 2003, page I-08055.

## **6. The emergence of a “global economic law”.**

Materials:

15. S. Cassese, *The Global Polity*, Sevilla, 2012, p. 15-31.
16. European Court of Justice, 24 October 2002, in Case C-121/00 (*Criminal Proceedings v. Walter Hahn* - ‘Limit values for the presence of *Listeria monocytogenes* in smoked fish products’), European Court Reports 2002, page I-09193.
17. WTO, Appellate Body, 12 March 2001, WT/DS135/AB/R (European Communities - Measures affecting Asbestos and Asbestos-containing products), parts I, VII and IX.

## **7. The crisis and after.**

Materials:

18. E. Galanti, R. D’Ambrosio, A.V. Guccione, *Storia della legislazione bancaria, finanziaria e assicurativa*, Roma, 2011 (part IV, cap. I).
19. *Treaty on Stability, Coordination and Governance in the Economic and Monetary Union*.
20. *European Stability Mechanism Treaty*.
21. ECJ, 27 November 2012, Case 370/12, *Thomas Pringle*