GHENT UNIVERSITY

Course Specifications

Valid as from the academic year 2024-2025

Advanced Public Procedure (B001730)

Course size *(nominal values; actual values may depend on programme)*

Credits 6.0 **Study time 180 h**

Course offerings in academic year 2027-2028

A (semester 2)	Dutch	Gent
M (semester 2)	Dutch	Gent

Lecturers in academic year 2027-2028

Vandaele, Ann-Sophie	RE21	lecturer-in-charge
Lust, Sabien	RE21	co-lecturer

Offered in the following programmes in 2027-2028	**crdts**	**offering**
Master of Science in Teaching in Social Sciences(main subject Laws)	6	A
Master of Laws in Laws	6	A
Micro-credential Advanced Public Procedure	6	M

Teaching languages

Dutch

Keywords

Legal protection (political, administrative, jurisdictional), prevention of conflicts, protection a posteriori, Supreme Administrative Court/Council of State (jurisdiction - procedure), other administrative courts,Constitutional Court (jurisdiction - procedure)

Position of the course

This course aims to provide the student an insight into the different techniques of legal protection against the (in particular administrative) authorities within the Belgian internal legal order. This way, the student will become acquainted with the existing techniques and he will learn to assess in which case he can appeal to which technique and how to do this.

Contents

This course mainly deals with the legal protection against the authorities of the executive power. The discussed topics may differ, depending on the topical matter or the preferences of the students.

- The following topics will always be addressed:
- Administrative appeals: purpose, characteristics, relationship to the jurisdictional appeals.
- The jurisdiction of the judicial judge in disputes regarding administrative acts.
- The division of jurisdiction between the judicial judge and the administrative courts, focusing on the Council of State.
- The jurisdiction of the judge.
- The Council of State: jurisdiction, procedure, impact of judgments (this item will not be limited to the Council of State; the impact of annulment judgments in general will be discussed)

Depending on the interests of the students and the topical matter, other subjects may also be discussed, such as:

- The Constitutional Court: jurisdiction, procedure, impact of judgments
- Other administrative courts, such as the 'Raad voor Vreemdelingenbetwistingen', 'Raad voor Betwistingen inzake Studievoortgangsbeslissingen', 'Raad voor Vergunningsbetwistingen', Milieuhandhavingscollege'.

At the end of this course, the students should be able to correctly analyse a situation of conflict in which an authority is involved, to develop a strategy for dealing with such disputes, and to conduct a procedure before an administrative court or the Constitutional Court correctly on a procedural level. The latter competence means that the students must also be able to analyse procedural problems thoroughly and to resolve conflicts in this regard.
In addition to acquiring these practical competences, the students are also expected to critically reflect on the system of legal protection and to be able to form an independent, substantiated opinion on the (aspects of) procedural regulation in disputes against the authorities.
If interesting workshops within the field of study are organized, the students will be encouraged to participate in this events.

Initial competences

It is recommended that the students have the final objectives of the courses Constitutional law, Administrative law and Procedure.

Final competences

1 Thorough knowledge of the Belgian system of legal protection against public authority action
2 Thorough knowledge of and insight into the administrative procedural law, both theoretical as practical.
3 In case of a conflict with a public authority, using the right technique to conduct a procedure correctly and also to be able to legally justify and to substantiate this choice.
4 Assessing the consequences of the choice of procedure
5 Oral reflect and debate on the knowledge domain
6 Critically reflect on the system of legal protection
7 Form a well-founded judgment, for oneself, about (aspects of) the procedural regulation in disputes against the public authorities
8 On the basis of a critical study of relevant source material, writing a clear and legal text on a subject within the field of public procedural law
9 Being able to critically read and analyse text material within the field of study and reporting on it in a group.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Seminar, Lecture

Extra information on the teaching methods

- **Interactive lectures**
- **Seminars:** the intention is to discuss concrete items in a group by means of case law and doctrine which the students have previously studied. Students are expected to thoroughly examine and analyse the given case law and doctrine.
- **Paper/proficiency test**: depending on the size of the group, students -alone or in groups- discuss a segment of the subject by answering a specific question in a paper and presentation.

Study material

None

References

Basic literary companions on the subject of administrative law:
- P. LEWALLE, *Contentieux administratif*, Brussel, Larcier, 2008.
- M. LEROY en P. MARTENS, *Contentieux administratif*, Brussel, Bruylant, 2011.
- R. STEVENS, *Het procesverloop (Raad van State – afdeling bestuursrechtspraak),* Brugge, die Keure, 2018.
- J. JAUMOTTE, J. SALMON en E. THIBAUT, *Le conseil d'État de Belgique*, Brussel, Bruylant, 2012.
- M. Pâques, Principes de contentieux administratif, Brussel, Larcier, 2017

General literary companion 'Public law'

- J. DUJARDIN, M. VAN DAMME en J. VANDE LANOTTE, *Overzicht van het Belgisch administratief recht*, Antwerpen, Kluwer rechtswetenschappen, 2017.

Course content-related study coaching

- Individual coaching in dealing with a specific problem situation.
- Possible to discuss and ask questions within and outside the classroom, if necessary by e-mail. Questions that are relevant to the group will be discussed in the lectures

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Oral assessment

Examination methods in case of periodic assessment during the second examination period

Oral assessment

Examination methods in case of permanent assessment

Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible in modified form

Extra information on the examination methods

- 40 % non periodic evaluation: paper and presentation (retake is an individual paper with presentation)
- 60% oral examination

Calculation of the examination mark

- Non-periodic evaluation (40%): the students will receive an assignment on which they will have to report in a paper and a presentation
- Periodic evaluation (60%): Oral examn. The first part consists of a question on one of the other student papers, the other question is a case.

The students need to take part in both parts of the evaluation (periodic and non-periodic evaluation) and need to score at least 8/20 for each form of evaluation to pass this course. Students who do not take part in all forms of the evaluation cannot pass this course and can only obtain a score of maximum 7/20.

Facilities for Working Students

Oral exam with written preparation possible on appointment
Feedback possible on appointment