

GESTÃO DO PATRIMÓNIO PÚBLICO

Degree in Public Management

Code: 16805

Main Scientific Area: Administrative and Tax Law

Lecturer: Eva Cristina da Silva Gonçalves Macedo

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 45h Total Workload: 81h

ECTS: 4,5

Objectives

Students will be guided so that, at the end of this course unit, they master the main concepts and legislation related to the legal regime of Portuguese Public Assets, being able to solve practical cases on the subject, namely being able to:

- Characterize the concept of public dominance;
- Know the historical evolution of public dominance;
- Know the ways to acquire and lose ownership; • Distinguish private domain from public domain;
- Know the legal regime of assets in the public domain;
- Know and apply the legal regime of public real estate assets.

Learning Outcomes

At the end of this silabus, students should master the main concepts, principles and legislation related to public assets, both from legal and accounting perspectives, solving practical problems on the subject, namely being able to:

1) Legal Unit:

Define Public Property;

Know public property historical evolution;

Know how public entities acquire and loose public property;

Distinguish private and public domains;

Master public property legal frameworks.

2) Accounting:

Understand the positioning of asset management;

know the purposes, forms and means of management and administration of the public and private domain of the State's assets;

Know and know how to relate to the entities, bodies or services to which the competence is attributed to the management and administration of the public and private domain of the State's assets;

Understand what is established in SNC-AP regarding the recognition and measurement of the municipal patrimony;

Analyze the main procedures associated to the inventory of the municipal patrimony;

Understand the control of the tangible fixed assets in the sphere of Local Government.

Course Contents

Part I - Law

INTRODUCTION

Chapter I - Public Domain Assets

1. Attempt to achieve a notion of "thing"
2. The criteria of dominance
 - 2.1. The Public Domain and the Constitution of the Portuguese Republic
 - 2.2. Public Domain and Private Domain
 - 2.3. Identification of Public Things
3. Public Domain Management
4. Acquisition, Modification and Termination of the Statute of Ownership
 - 4.1. Acquisition of the Statute of Dominion
 - 4.2. The Modification of the Dominion Statute
 - 4.3. Extinction of the Dominion Statute

Chapter II - Public Real Estate Legal Regime

1. The legal regime of Public Real Estate Heritage - Decree-Law No. 280/2007, of 7 August, with the amendments introduced by Law No. 82-B/2014, of 31.12
 - 1.1. Real estate assets in the public domain of the State, Autonomous Regions and Local Authorities;
 - 1.2. The real estate patrimony of the private domain of the State, Autonomous Regions and Local Authorities;
 - 1.3. The use of public real estate assets: the figures of concession and transfer.
2. The extraordinary regime of matrix and registry regularization of real estate belonging to the private domain of the State and other public entities, in particular local authorities, in a situation of omission or incorrect or outdated description or registration in the matrices and in the land registry - Decree-Law No. 51/2017, of May 25th.

Part II - Management

1. Concept and framework

- Institutions and politics
- Public assets management as administrative management
- Public assets management and sustainability

2. Public estate management

- Coordination in public estate management
- Informations system of the State's public estate

Recommended Bibliography

Amaral, D. F. (1990) – Classificação das Coisas Públicas, Dicionário Jurídico da Administração Pública, II, Direção José Pedro Fernandes, 439-441; Caetano, M. (1969), Manual de Direito Administrativo, II (8), Lisboa: Coimbra Editora, (813-923) Canotilho, G. e Moreira, V. (2007), Constituição da República Portuguesa Anotada – Artigos 1º a 107º, Coimbra Editora; Fernandes, J. (1990) – Dicionário Jurídico da Administração Pública, IV, Direção José Pedro Fernandes; Moniz, A. R. (2005), O Domínio Público – Critério e Regime da Dominialidade, Almedina, Coimbra; Moniz, A. R. (2006), O Âmbito do Domínio Público Autárquico, Estudos em Homenagem ao Professor Doutor Marcello Caetano no Centenário do seu Nascimento, I, FDUC, 153-182;

Learning and Teaching Methods

Both expositive and exploratory approaches will take place, providing a solid theoretical background as well as encouraging students to explore the contents provided and to investigate additional material, as well as to participate in themed activities launched by the teacher, to assess their research and scientific analysis and critique skills. The themes of the unit will be developed as defined in the Programme, which will be provided with the bibliography of required reading, as well as enrichment material. The classes will obey the following structure: (1) exposition of the syllabus by the teacher through slideshow provided to students in advance; (2) discussion of exposed subjects, debate and doubts; (3) resolution of practical cases concerning the contents exposed, when applicable.

Assessment Methods

A continuous assessment model is adopted. The learning demonstrated by each student will be classified on a scale from 0 to 20 values. The following components and weightings are established in the final classification: written test: 70%; practical activities: 30%. Continuous Assessment: the final classification will be the one that results from the arithmetic mean, rounded to the tenths, of the classifications obtained in the continuous assessment system, by applying the following formula: $CF = a70\% + b30\%$ Where: CF = Final Classification a – Average of the written tests rating b – Average of the final grades of the practical work developed. The minimum approval grade for the UC is 9.50 values