

Contract Law

Academic Year: (2020 / 2021)

Review date: 08-07-2020

Department assigned to the subject: Private Law Department

Coordinating teacher: MATO PACIN, MARIA NATALIA

Type: Compulsory ECTS Credits : 5.0

Year : 2 Semester : 1

OBJECTIVES

The purpose of this subject is that the students achieve a satisfactory degree of knowledge of the basic provisions that rule civil contracts. Not only the student has to acquire theoretical knowledge, but also he has to learn the adequate legal technique to solve practical cases as Contract Law is a dynamic subject of an extraordinary importance in economic life.

DESCRIPTION OF CONTENTS: PROGRAMME

Contract Law is an essential part of Civil Patrimonial Law. It studies the rules regarding the general theory of contracts and civil contracts in particular. In this sense, the concept of contract is analyzed, as well as its essential elements, effects and inefficacy.

With regard to each type of contract, the students will study the contents thereof and, in particular, the rights and obligations of the contracting parties. The main contracts to be studied are: the contract of sale, donation, lease of things, rural and urban leases, the contract of provision of services, construction contracts and partnership, among others.

The scope of Contract Law goes beyond Civil Law and extends to other fields of Law, specially Commercial and Labour Law. European Law of contracts has also to be taken into account as there is a tendency towards its uniformity in the European Union. In addition, due to their current relevance, the students will approach to consumer's mechanisms of protection, making a special reference to the use of contracts with general conditions.

LEARNING ACTIVITIES AND METHODOLOGY

Three on-site hours shall be taught every week:

- Aggregate group: In a first theory class, of one hour and a half, the main contents of the subject shall be explained. For the adequate understanding of the lectures, the previous reading of the subject in the handbook of reference is recommended.
- Small groups: In a second class (continuous assessment), study cases shall be solved and the students will have to discuss and legally argue about them.

According with the new transitory teaching model approved (2020/2021 academic year) the teaching will be bimodal 50%, that is, synchronous online teaching in big or aggregate groups and face-to-face teaching in small groups.

Personal tutor hours will be set according to the corresponding rules.

ASSESSMENT SYSTEM

Normal sitting

The definitive mark to be obtained by the student shall take into account the mark obtained during the term in the practical compulsory sessions (up to a 40%), as well as the mark obtained in the theory exam (up to a 60 %).

The practice part will be evaluated (maximum 4 points):

- a) 1 point: summary multiple choice test (20 questions) taken in the class.
- b) 2 points: case study exam taken in the class.
- c) 1 point: participation of the students in the class.

The final exam, a legal theory exam, shall be a multiple choice test of 30 questions with 4 alternative answers each. Each question shall be evaluated over 0,2 points (maximum value of the exam: 6 points). The wrong answers shall subtract a fourth part of their value; that is, 0,05. The exam questions shall be

the common to all students. To pass the subject it shall be necessary to obtain a minimum of 3 points in the theory exam.

Extraordinary sitting

If the student has followed the continuous valuation system, the exam will consist of a questionnaire type test (the incorrect answers will discount) and shall have the same percentage value as in the normal sitting (60%). In this case, the final mark shall take into account the mark of the continued valuation (practical sessions) obtained during the semester. That is, the mark obtained in the practical part shall be kept and the student will only have to take the theory exam.

According to the current regulation, if the student has not followed the continuous valuation system, he shall be able to take the extraordinary sitting exam with a value of 100 % of the total mark for the subject. In this case, the exam will consist of a questionnaire type test (the incorrect answers will discount) with a value of 60% of the total mark for the subject and the students must solve a practical case (with a value of a 40% of the total mark for the subject).

No matter if the student had followed the continuous valuation system, he shall be marked in the way established in the preceding paragraph (exam: 100%) when it benefits him. To do this, the student must solve the practical case.

Publicity of the marks and revisions

The final marks of the continuous assessment (practical sessions) shall be published in Aula Global at least five days before the final exam date.

The final mark shall be published in the Web provided therefore by the University (indicating the time and place for the revision of the exam) within ten days from date of the final exam.

If the student does not attend the final exam, he shall be marked as "not taken" even if he followed part of the continuous assessment system.

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- ALBALADEJO Derecho civil, II, Madrid: Edisofer, Última edición
- DíEZ-PICAZO Fundamentos del Derecho civil patrimonial, I y IV, Cizur Menor: Thomson-Civitas, Última edición
- DíEZ-PICAZO y GULLÓN Sistema de Derecho Civil, II, Madrid: Tecnos, Última edición
- LACRUZ y otros Elementos de Derecho civil, II, Madrid: Dykinson, Última edición
- LASARTE Principios de Derecho civil, III, Madrid-Barcelona: Marcial Pons, Última edición
- LÓPEZ y VALPUESTA (editores) Derecho civil patrimonial, I, Valencia: Tirant lo Blanch, Última edición
- LÓPEZ, MONTÉS Y ROCA Derecho civil. Derecho de obligaciones y contratos, Valencia: Tirant lo Blanch, Última edición
- MARTÍNEZ DE AGUIRRE y otros Curso de Derecho civil, II, Madrid: Colex, Última edición

ADDITIONAL BIBLIOGRAPHY

- BERCOVITZ (director) Tratado de contratos, Valencia: Tirant lo Blanch, Última edición
- BERGEL Handbook on Spanish Patrimonial Law, Madrid: Tecnos, Última edición
- CARRASCO Derecho de contratos, Cizur Menor: Thomson-Aranzadi, Última edición
- GULLÓN Curso de Derecho civil. Contratos en especial. Responsabilidad extracontractual, Madrid: Tecnos, Última edición
- PUIG BRUTAU Fundamentos de Derecho civil, I-2º y II-3º, Barcelona: Bosch, Última edición
- VV. AA. Comentario del Código civil, Madrid: Ministerio de Justicia, Última edición
- VV. AA. Enciclopedia Jurídica Básica, Madrid: Civitas, Última edición
- VV. AA. Código civil comentado (dir. por A. Cañizares y otros), Cizur Menor: Thomson-Civitas, Última edición
- VV. AA. Comentarios al Código civil (dir. por R. Bercovitz), Valencia: Tirant lo Blanch, Última edición

- VV. AA. Comentarios al Código civil (dir. por A. Domínguez Luelmo), Valladolid: Lex Nova, Última edición

BASIC ELECTRONIC RESOURCES

- BOLETÍN OFICIAL DEL ESTADO (BOE) . Legislation search engine:
<http://http://https://www.boe.es/buscar/legislacion.php>
- Consejo General del Poder Judicial . CENDOJ: Buscador de Jurisprudencia: <http://www.poderjudicial.es/search/>
- Proyecto Normacivil . Base de datos de legislación: <http://civil.udg.es/normacivil/>