

Principles of non-contractual Liability

Academic Year: (2021 / 2022)

Review date: 28-06-2021

Department assigned to the subject: Private Law Department

Coordinating teacher: OLMO GARCIA, PEDRO DEL

Type: Compulsory ECTS Credits : 6.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Not applicable

OBJECTIVES

In this subject, students will learn the advanced foundations of non-contractual liability and its legislative, judicial and doctrinal evolution in a Spanish and a comparative perspective.

DESCRIPTION OF CONTENTS: PROGRAMME

The general rules on non-contractual liability are to be found within the Civil Code. There are also some special regimes on non-contractual liability contained in some specific acts and regulations. This subject deals with the mentioned general rules on non-contractual liability. Therefore, after some introductory remarks about history, economic analysis of law and functions of the Spanish rules on non-contractual liability, it contains the main requirements of this kind of liability, namely damage, fault and link of causation.

LEARNING ACTIVITIES AND METHODOLOGY

This subject is presented in seminars based upon some readings that the students must do in advance to follow the course's syllabus in a practical manner. These readings normally consist in Supreme Court decisions issued by the Spanish Supreme Court and some papers written by prominent legal scholars. The Principles of European Tort Law and the Draft Common Frame of Reference are normally used to provide a comparative view of the different aspects of non-contractual liability.

ASSESSMENT SYSTEM

The subject grade is formed by

1. 50% depending on the evaluation of the work of drafting a commentary to a court decision that each student of team of students must do.
2. 50% depending on (a) individual oral participation in the seminars that will take place during the sessions devoted to the specific issues already mentioned and (b) a 30 questions test exam.

% end-of-term-examination: 50

% of continuous assessment (assignments, laboratory, practicals...): 50

BASIC BIBLIOGRAPHY

- A. SOLER y P. DEL OLMO (Coord) Prácticum de Daños, Aranzadi.
- Díez-PICAZO Fundamentos del Derecho Civil Patrimonial, V. La responsabilidad civil extracontractual, Civitas.
- E. ROCA i TRIAS Derecho de daños. Textos y materiales, Marcial Pons.
- F. PANTALEÓN ¿Comentarios al artículo 1902 CC?, en C. Paz Ares et al. (dirs.), Comentario del Código Civil, II, 2ª ed. Madrid: , Ministerio de Justicia/Civitas, 1993
- F. REGLERO CAMPOS et al Tratado de responsabilidad civil, Aranzadi.
- M. MARTÍN-CASALS y J. SOLÉ FELIU Comentarios a los artículos 1902 a 1910 CC, en A. Domínguez Luelmo, Comentarios al CC, Lex Nova.

- P. DEL OLMO ¿Comentarios a los artículos 1905 a 1910 CC¿, en A. Cañizares Laso et al. (dirs.), Código Civil comentado, IV, Aranzadi.

ADDITIONAL BIBLIOGRAPHY

- ECTIL (Traducción dirigida por M. Martín-Casals) Los Principios Europeos de la Responsabilidad Civil, Aranzadi, 2008