

Academic Year: ( 2023 / 2024 )

Review date: 04-06-2021

Department assigned to the subject: Private Law Department

Coordinating teacher: ALBA FERNANDEZ, MANUEL

Type: Electives ECTS Credits : 3.0

Year : 5 Semester :

**REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)**

For the better completion of this course students will be expected to be familiar with:

Administrative Law (Law Degree, first year)  
 Contract Law (Law Degree, second year)  
 International Public Law (Law Degree, second year)  
 Tort Law (Law Degree, second year)  
 Property Law (Law Degree, third year)  
 Business Law (Law Degree, third year)

**OBJECTIVES**

This course will try to give the student a detailed view of the law applicable to the sea and air, in its legal aspects, both public and private. The high international component of the activities to be subject, on the other hand, allow also to familiarize students with the processes, organizations and tools for policy making for consensus and common management of air and maritime spaces, and, in the case of marine resource requirements therein.

THE COURSE WILL ALLOW THE STUDENTS TO ACQUIRE THE FOLLOWING SKILLS AND ACADEMIC AND PROFESSIONAL COMPETENCE:-

**KNOWLEDGE SKILLS:**

1. Social and economic importance of communication networks sea and air: its impact on the law.
2. Study and understanding of national and international administrative structure serving the aviation and shipping
3. Theoretical and practical knowledge relating to the administrative of navigation and business.
4. Knowledge of the market for transport services.
5. Regime of the shipping and air companies.
6. Management and familiarity with the contractual instruments for the provision of transport services.
7. Familiarization with the rules relating to security, particularly of people.--

**ANALITICAL SKILLS:**

1. Developing the ability to analyze legal problems related to business development in sectors with a strong public interest.
2. Own legal language learning highly technical economic sectors and complex.
3. Rating institutions and policy choices in activities and markets with broad political sensitivity and economic importance.
4. Process and information management for the provision of specialized legal services: report writing, legal opinions, reports, contracts, negotiable documents, letters of intent, damage settlements.
5. Getting to the private prevention mechanisms and conflict resolution: mediation and arbitration.
6. Legal structure of brokerage relationships.-

**ATTITUDES:**

1. Critical of public legal regulations in sectors with clearly contradictory (dialectical public interest, private interest).
2. Approach to problems in the context of service delivery: the argument as instrumental attitude

**DESCRIPTION OF CONTENTS: PROGRAMME**

- I - THE SEA AND THE AIR SPACES.
- II. - INTERGOVERNMENTAL AND INTERNATIONAL POLICY
- III. - SPANISH PUBLIC MARITIME AND AIR ADMINISTRATION
- IV. - TRANSPORTATION NETWORKS: PORTS AND AIRPORTS. MARKET REGULATION
- V. - SHIPS AND AIRCRAFTS: LEGAL REGIME
- VI. - SHIPPING AND AIR COMPANIES.
- VII. - CONTRACTS FOR THE PROVISION OF TRANSPORTATION SERVICES. TRANSPORTATION INTERMEDIARIES

- VIII. - SPECIFIC MECHANISMS FOR RISK INSURANCE
- IX. - NON CONTRACTUAL LIABILITY. LIABILITY FOR POLLUTION AND OTHER DAMAGES.
- X. - LITIGATION AND ARBITRATION.

#### LEARNING ACTIVITIES AND METHODOLOGY

THE GOAL OF THIS COURSE IS TO TRAIN STUDENTS THROUGH A LEARNING SYSTEM ADAPTED TO THE NEW REQUIREMENTS OF BOLOGNA PROCESS.

COMPLETION OF THE COURSE WILL INVOLVE ADDRESSING THEORETICAL KNOWLEDGE AS WELL AS PRACTICAL EXERCISES. SUCH EXERCISES WILL INVOLVE PRACTICAL CASES, LEGAL OPINIONS, DRAFTING OF LITIGATION DOCUMENTS AND BRIEFS, AS WELL AS ARBITRATION EXERCISES.

SUCH COMBINATION IS EXPECTED TO PROVIDE STUDENTS WITH A DEEPER KNOWLEDGE OF THE LEGAL RULES APPLICABLE TO MARITIME AND AIR SPACES, AND OF THE ECONOMIC ACTIVITIES THAT TAKE PLACE THEREIN.

FOR THE CALCULATION OF CREDITS, ACCOUNT WILL BE TAKEN OF THE STUDENT'S HOURS FOR STUDY.

THE ABILITIES PROMOTED IN THIS COURSE MAY FEASIBLY PREPARE STUDENTS FOR SEVERAL JOBS WITHIN THE LEGAL PROFESSION, SUCH AS LAWYER (PRACTITIONER), NOTARY AND REGISTRAR, JUDGE, PUBLIC OR ADMINISTRATIVE OFFICER, ETC.

#### ASSESSMENT SYSTEM

ASSESSMENT OF SKILLS ACQUISITION WILL BE BASED ON THE FOLLOWING:

- Examination of theoretical and practical course content.
- Attendance and class participation.
- Continuous evaluation of the student, serving as class participation and practical work undertaken.

Overall, the evaluation aims to check whether students have met the learning objectives. Through evaluation, the student must demonstrate that they have knowledge and understand the discipline, which is able to make judgments, which has ability to communicate that knowledge and learning skills acquired. It is, in short, to get knowledge, skills or professional skills and abilities to work in a team practice in the legal-mercantile.

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

#### BASIC BIBLIOGRAPHY

- Gabaldón, José Luis y Ruiz Soroa, José María Manual de Derecho de la Navegación Marítima, Madrid, 2006 (Tercera Ed.)

#### ADDITIONAL BIBLIOGRAPHY

- José Luis Gabaldón Curso de Derecho Marítimo Internacional, Marcial Pons, 2012