

Academic Year: ( 2023 / 2024 )

Review date: 31-03-2022

Department assigned to the subject: Private Law Department

Coordinating teacher: CANDELARIO MACIAS, MARIA ISABEL

Type: Electives ECTS Credits : 3.0

Year : 2 Semester : 1

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

Materials that are characteristic of the Degree in Law: Civil Law, Commercial Law, among others.

**OBJECTIVES**

Basic skills

Knowledge and understanding that provides a basis or opportunity to be originality in developing and / or applying ideas, often in a context of research (CB6).

That the students can apply their knowledge and their ability to problem solving in new or unfamiliar environments within contexts broader (or multidisciplinary) related to their field of study (CB7)

That students are able to integrate knowledge and face the complexity of making judgments based on information that was incomplete or limited, includes reflections on social and ethical responsibilities linked to the application of their knowledge and judgments (CB8)

Students can communicate their conclusions what knowledge and sustentan¿ ultimate reasons that public specialized and non-specialist (CB9)

Students must possess the learning skills that enable them to continue I studied in a way that will be largely self-directed or autonomous (CB10)

**DESCRIPTION OF CONTENTS: PROGRAMME**

The program is divided into a number of thematic blocks, each subject will be held in 3 sessions.

THEME I: THE SPANISH BANKRUPTCY LAW: LAW 22/2003. 1. Background-Evolution. 2. Generic Considerations: Concept, Terminology, Purpose and Principles. 3. Systematics of Law 20/2003. 4. Budget subjective and objective. 5. Legitimacy. 6. Request. Practical cases. (3 Sessions) \*

TOPIC II: APPLICATION. STATEMENT OF COMPETITION AND BODIES OF THE COMPETITION. 1. Legitimacy. 2. Application and Declaration. 3. The competent judge to declare and process the contest. Functions. 4. Commercial Courts. 5. The Insolvency Administration. 6. Functions. 7. Statute Manager: Disabilities, incompatibilities, prohibitions, Auxiliary Delegates. 8. The report of the Bankruptcy Management and Accountability. 9. bankruptcy bodies not necessary: ¿¿the Board of Creditors and the Bankruptcy Ombudsman. Practical cases. (3 Sessions) \*

TOPIC III: EFFECTS OF COMPETITION AND LIMITS OF MASSES. 1. The procedure: Effects on the debtor, creditors, credit, contracts and acts harmful to the passive mass. 2. Delimitation of the active mass. 3. Determination of the Passive Mass: Classification of receivables. Practical cases. (3 Sessions) \*

THEME IV: THE CONVENTION AND THE PLAN IN THE BANKRUPTCY LAW. 1. Purpose of the agreement, concept, legal nature and types of agreement. 2. Persons entitled to submit the proposed agreement: Moment, form and content. 3. Effects of early and common agreement proposal phase. 4. Board of creditors. Opposition to the agreement. 5. Compliance / Non-compliance with the Convention. 6. The payment plan and feasibility. Practical cases. (3 Sessions) \*

TOPIC V: THE BANKRUPTCY LIQUIDATION. 1. Who can apply anytime. 2. Effects of the opening of the liquidation phase. 3. Effects and Operations of the Settlement. 4. Payment of credits. 5. Conclusion of

the competition. Reopening Contest. Responsibility Contest. Practical cases.  
(3 Sessions) \*

TOPIC VI: PRECONCURSALIDAD: 1. The Refinancing Agreement. 2. The Settlement Payment. Practical cases.  
(3 Sessions) \*

#### LEARNING ACTIVITIES AND METHODOLOGY

For each of the optional subjects of 3 ECTS, to integrate 15 ECTS, the workload is the following:

Theory hours: 20 h.

Practice hours: 10 h.

Hours student work and other activities: 45 h  
teaching methodology

#### ASSESSMENT SYSTEM

In accordance with the eminently practical nature of the training activities and methodologies Teachers in the intensification credits will give a special weight to the continuous evaluation.

1) Continuous evaluation (60%):

-Resolution in writing of the practical cases.

2) Final exam (40%): it will consist of a test type of about 20 questions.

If the continuous assessment system is not followed, which requires attendance at 90% of the sessions, the final mark in both ordinary and extraordinary sessions will be obtained on 60% of the final exam.

#### ONLINE EVALUATION:

There are several options:

1. Research work will be carried out, the topics of which will be offered by the Faculty. Said works will be delivered in writing via e.mail or electronic means, as well as orally presented through the online platform.

2. There will be an oral exam through the online platform.

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

- CANDELARIO MACÍAS, M<sup>a</sup>. I. LECCIONES DE DERECHO CONCURSAL, TECNOS, 2012