

Academic Year: (2023 / 2024)

Review date: 13-05-2022

Department assigned to the subject: Private Law Department

Coordinating teacher: JUAREZ TORREJON, ANGEL

Type: Electives ECTS Credits : 3.0

Year : 2 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Not applicable

OBJECTIVES

Basic responsibility:

Be qualified to understand the basic knowledge or opportunity to be innovative in the development and/or application of ideas, commonly found in an investigation context.

Students must be able to apply the acquired knowledge and the solving of problems in new environments or not common within a wider range (or be multidisciplinary) related to their area of study. (CB7)

Students must be able to integrate their knowledge and face the complexity of formulating opinions based on certain information which, whether incomplete or limited, includes reflections on social and ethical responsibility related to the application of their knowledge and opinions. (CB8)

Students must be able to communicate their conclusions, knowledge and analysis supporting the same, to an audience, whether expertise or not, in a clear and unambiguous way. (CB9)

Students must have a learning ability which allows them to continue studying in a self-directed or autonomous way. (CB10)

General responsibility (CG N°):

Students shall be able to:

CG1. Recognize the importance of team work and show adaptation and integration capacity to different work groups, keeping fluent relations and communications, respecting other's ideas and solutions with an attitude of support and tolerance, sharing responsibilities and know how to give and receive instructions.

CG2. Accept the need of a constant self-learning and continuous training as a mechanism to easily adapt to judicial, technological and organization innovations.

CG5. Value hard and well done work when planning, organizing and carrying-out all activities, showing initiative, creativity and sense responsibility, keeping interest during the whole process, and feel personally satisfied with the results.

CG7. Evaluate personal and collective progress, identifying positive and negative things, and argue and provide alternatives to improve process and results.

CG9. Apply all acquired knowledge and have the capacity to solve problems.

CG10. Integrate knowledge, make judgment, communicate conclusions and the know-how and reasoning to support the same, to specialized and non-specialized audiences in a clear manner and without ambiguities.

DESCRIPTION OF CONTENTS: PROGRAMME

Adopting a practical point of view, the programme and the activities that can be seen in the next box of this document deepen the student's

knowledge about the following points: 1) The system of non-contractual liability: functions. Contractual and non-contractual liability. Other systems

of compensation (insurance; non-fault schemes). 2) Criteria of subjective imputation: fault liability, presumed fault liability, strict liability. 3) Fault.

4) Damage. 5) Causation in fact and legal causation. 6) Objective liability: car traffic accidents; defective products and services; liability of public

authorities and other cases of strict liability. 7) Damages. 8) Civil liability insurance.

LEARNING ACTIVITIES AND METHODOLOGY

The course is aimed to learn the general questions of tort liability both from the point of view of its general requirements and from the point of view of some interesting particular cases. This is to be achieved through a real example of a case in which non-contractual damages are claimed and through a group of lectures and seminars on different issues that will allow the students to understand the relationship between what can be called general part of non-contractual liability and what can be called the special part of it. Hence, the course is divided between team working on that real case of tort liability and individual working in the lectures and seminars on particular issues related to non-contractual liability.

1. Working on a real case of non-contractual liability. The class will be divided in different working teams which will be assigned to the different roles normally found in civil proceedings. These working teams will work throughout the normal phases of civil proceedings.

2. Lectures and seminars. A group of law professors and professionals will lecture and organize seminars on different subjects, namely: Defective products liability; tariffication systems of non-pecuniary damage; damages in labour law; unfair competition; civil liability insurance; public authorities' liability; doctors liability; damages in tort law and unjustified enrichment; law of conflicts.

Tutorials: For personal tutorage, a message should be sent to pedro.delolmo@uc3m.es

ASSESSMENT SYSTEM

The subject grade is formed by

1. 60% depending on the evaluation of the work of the working teams throughout the proceedings of a real non-contractual liability case.
2. 40% depending on a 30 questions test exam.

Extraordinary Summon:

- 40% depends on a test of 30 multiple choice questions. The marks obtained during the normal continuous evaluation
- both of the groups working on the case on non-contractual liability and of the oral participation in the lectures and seminars- will form the other part of the grade

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.

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

BASIC BIBLIOGRAPHY

- A. SOLER y P. DEL OLMO (coord.) *Prácticum de Daños*, Aranzadi.
- Díez-PICAZO *Fundamentos de Derecho civil patrimonial*, V, (La responsabilidad civil extracontractual), civitas.
- F. PANTALEÓN ¿Comentarios al artículo 1902 CC¿, en C. Paz Ares et al. (dirs.), *Comentario del Código Civil*, II, civitas.
- M. MARTÍN-CASALS y J. SOLÉ FELIU ¿Comentarios a los artículos 1902 a 1910 CC¿, en A. Domínguez Luelmo (dir.), *Comentarios al Código Civil*, Lex Nova.
- P. DEL OLMO ¿Comentarios a los artículos 1905 a 1910 CC¿, en A. Cañizares Laso et al. (dirs.), *Código Civil comentado*, IV, civitas.

ADDITIONAL BIBLIOGRAPHY

- E. ROCA y M. NAVARRO *Derecho de daños*, Tirant lo Blanch.
- PUIG BRUTAU *Fundamentos de Derecho civil*, II-3º, Bosch.