

Academic Year: (2023 / 2024)

Review date: 13/05/2022 08:57:22

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

Law is one of the most dynamic and creative fields of law, and one of the most important practice, not only by the increasingly widespread phenomenon of consumption, but also due to the current crisis and the need to rebuild confidence and trust structures to foster the desire to consume, on which the economic system is largely dependent. It is, moreover, one of the areas in which Community directives have had higher incidence and, also, the legislative body more receptive to the influence of the new contract law inspired in the European rules and they aim to achieve uniformity.

The purpose of this course is the study of both the internal regulations and European standards of consumer protection, which demand a serious reflection on the future of practice dealing in this sector. Essentially, the Royal Decree 1/2007, which approves the Revised Text of the General Law for the Defence of Consumers and other complementary laws, even though it is a Law that has sparked numerous critics, it was enacted with the aim of being the basic rule or the general provisions of consumers law in our legal system, and it's increasingly applied by the Courts of justice.

Recently, the transposition of Directive 2011/83 / EU on consumer rights of October 25, 2011 -carried out by Law 3/2014, of March 27- has brought remarkable changes in the TRLGDCU. The author of this Act has not only transposed the Directive into our General Act, but has also take advantage of the occasion to introduce modifications and new rules in the previous regulation. It must also be noted that the Law 3/2014 has reformed plenty of laws and abrogated some others.

All the above explains the importance of this area, placed in the centre of the current reflection of Private Law, as evidenced by the fact that the Draft Proposal on Modernization of the Law of Obligations and the Law of Contracts, elaborated by the General Commission of Codification, finds it necessary to include in such text the basic rules of consumer law, in line with the German Law on the modernization of the law of obligations.

DESCRIPTION OF CONTENTS: PROGRAMME

PROGRAM

I. General part

1. Scope of consumer law: the concept of consumer
2. Advertising, offer and integration of contract
- 3 - New contract safeguards I: the neoformalism
4. New contract safeguards II: general conditions and unfair terms
5. New precautions in contracts III: pre-contractual information obligations
6. The right of withdrawal
7. Guarantee of consumer products: conformity and system of remedies. The additional commercial warranty
8. Individual and collective claims: consumer associations and cessation actions

II. Special Part

1. Distance contracts
2. Contracts negotiated outside business premises
3. Timeshare contracts
4. Package travel contracts
5. Credit to consumers

LEARNING ACTIVITIES AND METHODOLOGY

Given that students have already acquired a solid theoretical training, the teaching of the subject can be based on the practical work of solving cases. Therefore, purely theoretical classes are reduced to a minimum and hence, the professor will make a little theoretical introduction at the beginning of each session only to underscore the fundamental problems and place the case in question inside the unit content.

Working with cases will allow students to face real practical problems. The cases and the materials to work on will be provided in advance at the beginning of the course, along with a detailed timetable. Each lesson will be also accompanied by specific readings (doctrinal documents, case law or administrative decisions)

TUTORING

There will be at least one regular mentoring throughout the course, which date shall be determined in accordance with the students. However, extra tutoring may be held, at the request of students or of the coordination, depending on the needs of both.

ASSESSMENT SYSTEM

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

According to the practical nature of the training activities and teaching methods, it will be given special weight to continuous evaluation. So, the class grade will be 60% of the course grade and the other 40% of the course grade will depend on a final exam. Continuous evaluation will take into account student's oral participation in class (10%) and the test exams both scheduled and conducted without previous notice(40%).

The final exam consists on a test with no less than 50 questions, and a practical exercise.

The final grade for the course will be published on the Web, through the system implemented at the University for the Publication of final grades. Although the student has attended and participated in all the sessions of the course, the student will be graded as non-submitted if the final exam is not taken.

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.