



Teaching Guide				
Identifying Data				2020/21
Subject (*)	Obligations and Tort Law	Code	612G01016	
Study programme	Grao en Dereito			
Descriptors				
Cycle	Period	Year	Type	Credits
Graduate	2nd four-month period	Second	Obligatory	6
Language	SpanishEnglish			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito PrivadoDereito Público			
Coordinador	Alvarez Lata, Natalia	E-mail	natalia.alvarez.lata@udc.es	
Lecturers	Alvarez Lata, Natalia Aymerich Cano, Carlos Ignacio Bello Janeiro, Domingo Collado Rodríguez, Noelia Garcia Perez, Marta Maria Peña Lopez, Fernando Pérez Dios, Carmen	E-mail	natalia.alvarez.lata@udc.es carlos.aymerich.cano@udc.es domingo.bello@udc.es noelia.collado@udc.es marta.garcia.perez@udc.es fernando.pena@udc.es carmen.perez.dios@udc.es	
Web				
General description	<p>The aim of this course is to make the students familiar with the general principles and rules of the obligations and tort law in Europe, from a comparative point of view. They will be taught the main features of these two branches of private law in continental (French and German) and in common-law legal systems, pointing out their similarities and differences. The model rules of the Principles of European Tort Law (PETL) and the Draft Common Frame of Reference (DCFR) will play an important role in the course activities as well as a prospective meeting point between the different European legal systems. During the course, the attending students will work with texts and documents from several European legal systems, and will have to discuss and debate with fellow students coming from different legal traditions and backgrounds.</p>			
Contingency plan	<p>1. Modifications to the contents No modifications of the course's contents are foreseen in the event of a new lockdown.</p> <p>2. Methodologies Face-to-face classes will be substituted for on-line classes by Teams and for recorded classes. Face-to-face interactive classes will be substituted for on-line exercises, essays and other academic works.</p> <p>3. Mechanisms for personalized attention to students Professor will be available on Teams at the request of any student. Requests shall be made by email.</p> <p>4. Modifications in the evaluation Face-to-face examinations shall be substituted by on-line exams in the event of a new lockdown</p> <p>5. Modifications to the bibliography or webgraphy Learning materials shall be make available to all students through Moodle in the event of a lockdown.</p>			

Study programme competences / results	
Code	Study programme competences / results
A1	Knowledge of the main legal institutions
A2	Knowledge of the role of law as a regulatory system of social relations
A3	Grasping the systematic nature of the legal system
A4	Appreciating the interdisciplinary nature of legal problems
A5	Knowing the constitutional principles and values.
A6	Understanding the different manifestations of law in its historical evolution and in its current reality.
A7	Knowing the national and international legal and political structures.
A8	Basic knowledge of legal argumentation.
A9	Ability to handle legal sources (legal, jurisprudential and doctrinal).



A10	Ability to interpret and critically assess the legal system.
A11	Ability to understand and write legal documents.
A12	Management of legal oratory (ability to express themselves properly in public).
A14	Ability to draft legal norms.
B1	Knowledge in an area of study that is based on general secondary education, and is usually found at a level that, although supported by advanced textbooks, includes also some aspects that involve knowledge from the forefront of his field of study.
B2	Ability to know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B5	Acquisition and assessment of those learning skills necessary to undertake further studies with a high degree of autonomy
B6	Learning to learn.
B7	Effective problem solving.
B8	Critical, logical, and creative thinking.
B9	Working autonomously on own initiative with a lifelong learning approach.
B10	Teamwork and collaboration.
B11	Ethical and social responsibility.
B13	Computing and ICT skills.
C1	Adequate oral and written expression in the official languages.
C2	Mastering oral and written expression in foreign languages.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.
C5	Understanding the importance of entrepreneurial culture and knowing the useful means for enterprising people.
C6	Critically assess the knowledge, technology and information available to solve the problems they face.
C7	Assume as a professional and citizen the importance of lifelong learning.
C8	Valuing the importance of research, innovation and technological development for the socioeconomic and cultural progress of society.

Learning outcomes			
Learning outcomes	Study programme competences / results		
Learning the basic principles and rules of the law of obligations	A1	B1	C4
	A2	B2	C5
	A3	B3	C6
	A4		C7
	A5		
	A6		
	A7		
	A8		
Being able to understand and interpret correctly the basic legal rules and materials linked to the law of obligations	A5	B6	C1
	A9	B7	C2
	A10	B8	
	A11	B9	
	A12	B10	
	A14		



Becoming aware of the differences and common features of the European private law systems.	A1	B5	C1
	A2		C2
	A3		C4
	A4		C5
	A5		C7
	A6		C8
	A7		
Understanding tort law as a basic tool for managing the cost of accidents from a social point of view	A2	B6	C6
	A6	B7	C7
	A10	B8	C8
		B11	
Acquiring the skills to assess and resolve problems of tort law with technical competence.	A9	B7	C1
	A10	B8	C2
	A11	B9	C6
		B10	C8
		B11	
	B13		

Contents	
Topic	Sub-topic
LESSON 1: THE CONCEPT OF «OBLIGATION» AND THE «LAW OF OBLIGATIONS»	1.Economic private law and its basic rights: obligations and property rights 2.What is an obligation? 3.Importance of the Law of obligations within the continental legal systems 4.Where are the rules of the law of obligations in the common law systems?
LESSON 2: LAW OF CONTRACT AND LAW OF OBLIGATIONS	1.The place of contract in private law systems a.Obligations and contract b.Contract and tort c.Contract and property d.General contract rules and specific contracts 2.The principles of contract law: differences between the common law and the continental law a.Contract as an agreement between parties b.The doctrine of consideration and the «cause» of the contract c.The role of the good faith principle d.The meaning of contract freedom e.Drafting contracts in continental and common law. 3.«Life of the contract» a.Contract formation: negotiations and lack of negotiations b.Contract conclusion: contract validity and content c.Contract performance.



<p>LESSON 3: PRELIMINARY CONCEPTS AND BASIC PRINCIPLES OF THE LAW OF OBLIGATIONS</p>	<ol style="list-style-type: none"><li>1. Lack of a common legal vocabulary in the field of the law of obligations</li><li>2. DCFR solution for a European model law of obligations<ol style="list-style-type: none"><li>a. Scope of the model rules on obligations (Book III)</li><li>b. Definitions: obligation, terms of an obligation, performance, non-performance, reciprocal obligation.</li></ol></li><li>3. DCFR basic principles of the law of obligations<ol style="list-style-type: none"><li>a. The duty of good faith and fair dealing</li><li>b. The duty of cooperation between the parties</li></ol></li><li>4. Rules regarding conditions and time limits in obligations<ol style="list-style-type: none"><li>a. Conditional obligations</li><li>b. Time limited obligations</li></ol></li></ol>
<p>LESSON 4: PERFORMANCE AND NON-PERFORMANCE OF OBLIGATIONS. REMEDIES FOR NON-PERFORMANCE OF OBLIGATIONS</p>	<ol style="list-style-type: none"><li>1. Performance, obligation to perform and payment: continental and common law approaches</li><li>2. Time, place, currency and method of payment.</li><li>3. Who has to perform the obligation? Payment by a third person</li><li>4. General remedies against non performance in continental systems<ol style="list-style-type: none"><li>a. The right to enforce performance</li><li>b. Specific performance and damages</li></ol></li><li>5. General remedies in common law systems<ol style="list-style-type: none"><li>a. Damages</li><li>b. The problem of specific performance</li></ol></li><li>3. Termination<ol style="list-style-type: none"><li>a. Scope of the right to terminate</li><li>b. Restitution</li></ol></li></ol>
<p>LESSON 6: PLURALITY OF DEBTORS AND CREDITORS. CHANGE OF PARTIES</p>	<ol style="list-style-type: none"><li>1. Obligations with several parties: continental systems and common law systems</li><li>2. Joint, several and joint and several liability</li><li>3. The model rules of DCFR regarding plurality of debtors and creditors</li><li>4. Change of creditor: requirements and effects regarding creditor and debtor</li><li>5. Change of debtor: types, requirements and effects</li><li>6. Change of a contractual party</li></ol>



LESSON 6: GENERAL REQUIREMENTS OF LIABILITY	<ol style="list-style-type: none"><li>1. Scope of protected interest<ol style="list-style-type: none"><li>a. Protection of the person</li><li>b. Protection of economic interests: protection against «pure economic loss»</li></ol></li><li>2. Causation<ol style="list-style-type: none"><li>a. The «Certainty of damages» principle</li><li>b. Traditional causation theories in the European legal systems</li><li>c. Burden of proof</li><li>d. The problem of uncertainty over causation</li><li>e. Limiting the scope of results: remoteness of damage and «objective zurechnung»</li></ol></li><li>3. The reasons behind the right to damage compensation: Strict liability and negligence liability. The «law and economics» approach</li><li>4. Negligence<ol style="list-style-type: none"><li>a. Role of negligence in continental tort law</li><li>b. Role of the tort of negligence in common law</li></ol></li><li>5. Strict liability<ol style="list-style-type: none"><li>a. Background of strict liability</li><li>b. Types of strict liability regimes: liability based on risk and enterprise liability</li><li>c. Negligence influence on certain strict liability concepts and requirements</li></ol></li><li>6. Damages<ol style="list-style-type: none"><li>a. Compensation and punishment: the problem of punitive damages</li><li>b. Types of damages: Economic damages and Personal injuries</li><li>c. Compensating personal injuries: different approaches</li></ol></li><li>5. Defences in Tort Law</li></ol>
LESSON 10: THE DIFFERENT TORT LAW SYSTEMS IN EUROPE	<ol style="list-style-type: none"><li>1. The French family system</li><li>2. The German system</li><li>3. The common law system</li><li>4. Towards a harmonization in Europe?<ol style="list-style-type: none"><li>a. Different policy approaches and legal cultures</li><li>b. The EU influence</li><li>c. The achievements of this century: PETL and DCFR</li></ol></li></ol>
LESSON 11: SPECIFIC LIABILITY REGIMES AND TORTS	<ol style="list-style-type: none"><li>1. Liability for other persons and vicarious liability</li><li>2. Liability for risky activities and dangerous goods</li><li>3. Defective products</li><li>4. Environmental liability</li><li>5. Public bodies liability</li></ol>
TEMA 9: Concurrencia de acreedores e insuficiencia do patrimonio do deudor.	<ol style="list-style-type: none"><li>1. Nocións xerais. 2. Los créditos privilegiados. 3. Concurrencia singular de acreedores. 4. Concurrencia universal de acreedores. 5. Ley Concursal.</li></ol>
TEMA 10: A modificación e a extinción da relación obrigatoria.	<ol style="list-style-type: none"><li>1. La novación y sus clases. 2. Novación por cambio del acreedor. 3. Novación por cambio del deudor. 4. Novación por cesión de contrato. 5. Extinción de la relación obrigatoria.</li></ol>
TEMA 11: Os cuasicontratos	<ol style="list-style-type: none"><li>1. Los cuasicontratos. 2. El enriquecimiento sin causa. 3. La gestión de negocios ajenos sin mandato. 4. El cobro de lo indebido.</li></ol>
TEMA 12: A responsabilidade civil.	<ol style="list-style-type: none"><li>1. Concepto y funciones de la responsabilidad civil. 2. Responsabilidad civil contractual y extracontractual. 3. Responsabilidad civil y responsabilidad penal. 4. Los elementos constitutivos de la responsabilidad civil. 5. Los sujetos de la responsabilidad civil. La responsabilidad por hecho ajeno. 6. La prescripción de la acción de reclamación de daños. 7. El seguro de repsonsabilidad civil.</li></ol>



TEMA 13: As responsabilidades civiles especiais.	1. La responsabilidad civil en la circulación de vehículos a motor. 2. La responsabilidad civil por daños causados por productos defectuosos. 3. La responsabilidad civil médica. 4. La responsabilidad por daños causados por animales y en el ámbito de la caza. 5. Los accidentes de trabajo.
TEMA 14: A responsabilidade pola actuación administrativa	1. Introducción. 2. El régimen jurídico de la responsabilidad de la administración pública. 3. El resarcimiento de la lesión. La indemnización. 4. Los procedimientos de responsabilidad patrimonial.

Planning				
Methodologies / tests	Competencies / Results	Teaching hours (in-person & virtual)	Student's personal work hours	Total hours
Directed discussion	A2 A5 A9 A12	3	3	6
ICT practicals	B13	2	4	6
Oral presentation	A2 A5 A6 A12 B11 C1 C2 C6	10	20	30
Short answer questions	A2 A5 A6 A9 A10 A11 A13 B13	3	6	9
Speaking test	A10 A12	2	20	22
Guest lecture / keynote speech	A2 A5 A6 B1 C5 C8	20	39	59
Supervised projects	A9 A10 A11 A13 B13	0	10	10
Personalized attention		8	0	8

(\*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description
Directed discussion	Esta actividad será realizada de modo presencial y consistirá en la puesta en común de opiniones sobre una materia, o bien en la resolución común de problemas actuales que estén directamente relacionados con el objeto de estudio.
ICT practicals	Se trata de adiestrar a los estudiantes en el manejo de las herramientas básicas de las tecnologías de la información y comunicación necesarias para el ejercicio de su profesión y para el aprendizaje. Esta actividad requiere atención personalizada en trabajo presencial y trabajo no presencial.
Oral presentation	Los estudiantes deberán defender en el aula los temas y materias que les sean encargadas por el Profesor. Se trata de una actividad presencial de exposición oral pública que no requiere presentación por escrito, pero que precisa trabajo no presencial.
Short answer questions	Cada tres semanas (aproximadamente) se realizarán pruebas de respuesta breve las cuales versarán sobre los contenidos expuestos y estudiados hasta ese instante. Dichas pruebas exigen trabajo no presencial.
Speaking test	Al final del Curso y en la fecha oficialmente convocada se realizará una prueba oral sobre la totalidad de los contenidos explicados a lo largo del cuatrimestre.
Guest lecture / keynote speech	Las sesiones magistrales constituirán la base teórica que facilite los conocimientos esenciales al estudiante sobre la materia.
Supervised projects	El Profesor sugerirá el desarrollo de trabajos individuales o en grupo sobre un tema concreto. Dichos trabajos se presentarán por escrito, no habrá exposición oral y exigen trabajo no presencial y atención personalizada.

Personalized attention	
Methodologies	Description
ICT practicals Supervised projects	Professor will be available on-line to hold short training sessions with interested students in both methodologies

Assessment			
Methodologies	Competencies / Results	Description	Qualification



Supervised projects	A9 A10 A11 A13 B13	La realización de un caso práctico que habrá de entregarse contará el 20% de la asignatura	5
Oral presentation	A2 A5 A6 A12 B11 C1 C2 C6	Se valorará la expresión oral, el manejo de los términos, la orientación pedagógica, la utilización de TICS y los contenidos de la exposición propiamente dicha.	5
Directed discussion	A2 A5 A9 A12	Se valorará la iniciativa en la intervención, el número de intervenciones y la utilización de argumentos y razonamientos jurídicos adecuados. No se precisa que se aporte la solución ocorrecta. Interesa el debate.	5
Speaking test	A10 A12	Al final del Curso se re realizará una prueba oral en la que se valorará la expresión verbal, la utilización de la terminología jurídica y los contenidos expuestos.	5
Short answer questions	A2 A5 A6 A9 A10 A11 A13 B13	Se pretende realizar tre pruebas escritas compuestas cada una de ellas por varias respuestas breves. Cada respuesta acertada suma untos. No se descuentan los fallos. En cada prueba se podrá llegar a sumar un total de 10 puntos.	80

### Assessment comments

Debido á participación nesta materia de diversos profesores, as regras concretas de avaliación anunciaranse ao inicio de curso para cada grupo. Nalgún grupo, a avaliación da proba obxectiva (que poderá ser tipo test) poderá ter un valor de 60% da calificación final, sendo a evaluación continua do 40%.

### Sources of information

<b>Basic</b>	BERCOVITZ RODRÍGUEZ-CANO R.(dir) et al. Manual de Derecho Civil. Obligaciones. Bercal. Madrid.2018. CARRASCO PERERA (dir); CORDERO LOBATO; MARÍN LÓPEZ: Lecciones de Derecho Civil, 3ª ed., Madrid, Tecnos, 2017.
<b>Complementary</b>	DÍEZ-PICAZO, L. y GULLÓN BALLESTEROS, A. Sistema de Derecho Civil. Vol. II. Derecho de Obligaciones. Tecnos. Madrid. LACRUZ BERDEJO, J. L. Elementos de Derecho Civil. Derecho de Obligaciones. Dykinson. Madrid. LASARTE ALVAREZ, C. Principios de Derecho Civil. Derecho de Obligaciones. Marcial Pons. Madrid. GONZÁLEZ PÉREZ, J. Responsabilidad patrimonial de las Administraciones Públicas. Civitas. Madrid 2000. MIR PUIG PELAT, O. La responsabilidad patrimonial de la Administración. Hacia un nuevo sistema. Civitas. Madrid 2002.

### Recommendations

#### Subjects that it is recommended to have taken before

Person's Law/612G01007  
Family Law/612G01013

#### Subjects that are recommended to be taken simultaneously

#### Subjects that continue the syllabus

Contract Law/612G01024

### Other comments

Recoméndase aos estudantes seguir o sistema de avaliación continua, asistiendo regularmente ás clases (teóricas e prácticas) e realizando as actividades de avaliación marcadas en cada grupo.

(\* )The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.