



## Teaching Guide

Identifying Data					2022/23
Subject (*)	Obligations and Tort Law	Code	612G01016		
Study programme	Grao en Dereito				
Descriptors					
Cycle	Period	Year	Type	Credits	
First and Second Cycle	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 Bello Janeiro, Domingo Naveira Zarra, Maita María Peña Lopez, Fernando	E-mail	natalia.alvarez.lata@udc.es domingo.bello@udc.es maita.naveira@udc.es fernando.pena@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>				

## Study programme competences

Code	Study programme competences
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		
Learning the basic principles and rules of the law of obligations	A1 A2 A3 A4 A5 A6 A7 A8	B1 B2 B3	C4 C5 C6 C7
Being able to understand and interpret correctly the basic legal rules and materials linked to the law of obligations	A5 A9 A10 A11 A12 A14	B6 B7 B8 B9 B10	C1 C2
Becoming aware of the differences and common features of the European private law systems.	A1 A2 A3 A4 A5 A6 A7	B5	C1 C2 C4 C5 C7 C8
Understanding tort law as a basic tool for managing the cost of accidents from a social point of view	A2 A6 A10	B6 B7 B8 B11	C6 C7 C8
Acquiring the skills to assess and resolve problems of tort law with technical competence.	A9 A10 A11	B7 B8 B9 B10 B11 B13	C1 C2 C6 C8

Contents	
Topic	Sub-topic



LESSON 1: THE CONCEPT OF «OBLIGATION» AND THE «LAW OF OBLIGATIONS»	<ol style="list-style-type: none"><li>1.Economic private law and its basic rights: obligations and property rights</li><li>2.What is an obligation?</li><li>3. The sources of obligations (contracts, torts, unjustified enrichment and other sources of obligations)</li><li>4.Importance of the Law of obligations within the continental legal systems</li><li>5.Where are the rules of the law of obligations in the common law systems?</li></ol>
LESSON 2: LAW OF CONTRACT AND LAW OF OBLIGATIONS	<ol style="list-style-type: none"><li>1.The place of contract in private law systems<ol style="list-style-type: none"><li>a.Obligations and contract</li><li>b.Contract and tort</li><li>c.Contract and property</li><li>d.General contract rules and specific contracts</li></ol></li><li>2.The principles of contract law: differences between the common law and the continental law<ol style="list-style-type: none"><li>a.Contract as an agreement between parties</li><li>b.The doctrine of consideration and the «cause» of the contract</li><li>c.The role of the good faith principle</li><li>d.The meaning of contract freedom</li><li>e.Drafting contracts in continental and common law.</li></ol></li><li>3.«A contract's life»<ol style="list-style-type: none"><li>a.Contract formation: negotiations and lack of negotiations</li><li>b.Contract conclusion: contract validity and content</li><li>c.Contract performance.</li></ol></li></ol>
LESSON 3: OBLIGATIONS IN EUROPEAN LAW: THE LANGUAGE ISSUE. THE DCFR. CONDITIONS AND TIME IN OBLIGATIONS	<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</li><li>3. 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>
LESSON 4: PERFORMANCE AND NON-PERFORMANCE OF OBLIGATIONS. REMEDIES FOR NON-PERFORMANCE OF OBLIGATIONS	<ol style="list-style-type: none"><li>1. Performance, obligation to perform and payment: continental and common law approaches</li><li>2. Who has to perform the obligation? Payment by a third person</li><li>3. 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>4. 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>5. Termination<ol style="list-style-type: none"><li>a. Scope of the right to terminate</li></ol></li><li>6. Damages</li></ol>
LESSON 6: PLURALITY OF DEBTORS AND CREDITORS. CHANGE OF PARTIES	<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. What is a tort?</li><li>2. The scope and the aim of tort law</li><li>3. Tort law and other branches of the legal system (criminal law, contract law, Social Security law).</li><li>4. The structure of a tort<ol style="list-style-type: none"><li>4.1. 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>4.2. 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>4.3. The reasons behind the right to damage compensation: Strict liability and negligence liability. The «law and economics» approach</li><li>4.4. 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>4.5. 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>4.6. 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>4.7. Defences in Tort Law</li></ol></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 harmonization of tort law 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 privilexiados. 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 enriquecemento sin causa. 3. La gestión de negocios ajenos sin mandato. 4. El cobro de lo indebido.</li></ol>



TEMA 12: A responsabilidade civil.	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 reprensabilidad civil.
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.

Planning				
Methodologies / tests	Competencies / Results	Teaching hours (in-person & virtual)	Student?s personal work hours	Total hours
Directed discussion	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A12 A14 B6 B7 B8 B9 B10 B11 B13 B1 B2 B3 B5 C1 C2 C4 C5 C6 C7 C8	5	5	10
ICT practicals	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A12 A14 B6 B7 B8 B9 B10 B11 B13 B1 B2 B3 B5 C1 C2 C4 C5 C6 C7 C8	10	10	20
Short answer questions	A2 A5 A6 A9 A10 A11 B13	1	0	1
Guest lecture / keynote speech	A2 A5 A6 B1 C5 C8	25	65	90
Objective test	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A12 B6 B7 B8 B9 B1 B2 B3 B5 C4 C5 C6 C7 C8	1	0	1
Supervised projects	A9 A10 A11 B13	0	20	20
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	Discussions directed by the teacher during the classes to make students think on the topics treated in the classroom.
ICT practicals	Short and quick exercises to facilitate student's participation in the classroom
Short answer questions	Short comments on legal texts about different topics of the syllabus
Guest lecture / keynote speech	Lessons taught by the teacher in the classroom. Student's participation will be encouraged by means of questions and exercises.
Objective test	Multiple choice test with questions from the different lessons of the syllabus.
Supervised projects	Essays or exercises on different courses' topics to deliver within the deadline set by the teacher.

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 B13	Essays or exercises assigned to students during the semester to achieve a deeper knowledge of some of the most relevant topics of the course.	10
Short answer questions	A2 A5 A6 A9 A10 A11 B13	Student's skills on legal argumentation. Student's ability to understand a legal text or document and extract its basic constitutive elements. Student's knowledge of the legal context of the issue raised by the question	60
Objective test	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A12 B6 B7 B8 B9 B1 B2 B3 B5 C4 C5 C6 C7 C8	Multiple choice test. Student's will achieve points by answering correctly to questions posed by the teacher. Wrong answers will cause a small reduction in the student's grade.	30

Assessment comments
<p>The supervised essays of students will be assigned during the semester, when the topic of the essay is tackled in the classroom. The multiple choice questions as well as the short questions will be the two parts of a final examination. EVALUATION OF STUDENTS IN JULY (SECOND CHANCE EXAMINATION): In July Students will be evaluated on the basis of the same criteria and methodologies used in June: - New short questions about a legal or doctrinal text selected by the teacher on one of the course's topics - A new multiple choice examination covering most of the course's lessons and concepts. - Students shall keep the points assigned to them during the semester for exercises and essays (students that did not deliver these essays and exercises during the semester will NOT have a new opportunity to hand them over). PENALTY FOR COPYING AND PLAGIARISM: In the event that the teacher detects that a student has copied or plagiarised a part or the whole of an essay or exercise, this student shall be awarded no points for any exercises or essays delivered during the semester. Any student copying, trying to copy, or letting others copy in an exam will automatically be graded with the lowest possible mark (zero). STUDENTS WHO ARE EXEMPT FROM ATTENDING PRESENTIAL CLASSES (PART-TIME DEDICATION STUDENTS): These students shall be evaluated and graded according to the same criteria as ordinary students. They are expected to follow the indications and messages sent to the whole class or published by the teacher on Moodle (Campus Virtual), so that they are also expected to deliver their essays and exercises under the same deadlines as the rest of their classmates. It is highly recommended for these students to ask for an appointment with the teacher at the beginning of the course. During this appointment the teacher will give them advice and ideas about the proper way of getting through the course successfully.</p>

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, 4ª ed., Madrid, Tecnos, 2021.
<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
<b>Subjects that it is recommended to have taken before</b>
Person's Law/612G01007 Family Law/612G01013
<b>Subjects that are recommended to be taken simultaneously</b>



<b>Subjects that continue the syllabus</b>
Contract Law/612G01024
<b>Other comments</b>
It is highly recommended to attend the classes and participate in the classroom discussions. My experience says that those students who try to just pass the examination are much less likely to obtain a good final grade.

(\*)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.