



Teaching Guide

Identifying Data					2022/23
Subject (*)	Commercial Law: Business, Contracts, Bankruptcy Law and Maritime Law			Code	612G01035
Study programme	Grao en Dereito				
Descriptors					
Cycle	Period	Year	Type	Credits	
First and Second Cycle	1st four-month period	Fourth	Obligatory	6	
Language	Spanish				
Teaching method	Face-to-face				
Prerequisites					
Department	Dereito Privado				
Coordinador	Garcia-Pita y Lastres, Jose Luis	E-mail	j.l.garcia-pita@udc.es		
Lecturers	Garcia-Pita y Lastres, Jose Luis Quintans Eiras, Maria Rocio Rodríguez-Losada Pérez-Montero, Juan	E-mail	j.l.garcia-pita@udc.es rocio.quintans@udc.es j.rodriguez-losada@udc.es		
Web					
General description	Nesta materia estúdanse en primeiro lugar as diversas modalidades de contratos mercantís. A segunda parte dedícase á análise das crises empresariais, tanto preconcursais, como de Dereito concursal. Na terceira parte analízase o Dereito da navegación marítima.				

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.
A13	Mastering new technologies applied to law.
A15	Ability to negotiate and mediate.
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.
B4	Ability to transmit information, ideas, problems and solutions to a specialized and non-specialized public.
B7	Effective problem solving.
B8	Critical, logical, and creative thinking.
B13	Computing and ICT skills.
C1	Adequate oral and written expression in the official languages.
C3	Using ICT in working contexts and lifelong learning.
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.
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Learning outcomes			
Learning outcomes	Study programme competences / results		
Coñecer o réxime xurídico e utilización das principais modalidades de contratos mercantís	A1 A2 A4 A5 A10 A11 A15	B8 B13 B2 B3 B4	C4 C5 C6 C7 C8
Coñecemento das solucións paraconcursoais e concursais en situacións de crises empresariais.	A1 A3 A4 A5 A8 A9 A10 A13 A15		C5 C6
Coñecemento do réxime xurídico e a súa aplicación á navegación marítima	A1 A2 A3 A4 A6 A7 A9 A10 A15		C5
Manexo de fontes xurídicas (legais, xurisprudenciais e doutriniais) relacionadas co temario da materia	A9		
Capacidade para a análise e a redacción de documentos xurídicos relacionados co contido da materia	A10 A11		
Resolución de casos prácticos relacionados co temario	A10 A15	B7	
Expresarse correctamente de forma oral e escrita			C1
Utilización das novas tecnoloxías no asesoramento e na resolución de problemas xurídicos			C3

Contents	
Topic	Sub-topic
Tema 1. Contratos de colaboración e distribución	- Comisión mercantil - Contrato de corretaxe - Contrato de agencia - Concesión mercantil - Franquicia
Tema 2. Compravendas mercantís	- Compravenda mercantil - Contrato de suministro - Contrato estimatorio



Tema 3. Contratos mercantís de custodia e financiación	<ul style="list-style-type: none"> - Contrato de depósito - Contrato de almacenaxe - Emisión de resgardo de depósito - O préstamo mercantil
Tema 4. Conta corrente e garantías mercantiles	<ul style="list-style-type: none"> - Conta corrente - Afianzamento mercantil - Outras garantías
Tema 5. Contratos bancarios e parabancarios	<ul style="list-style-type: none"> - Operacións bancarias pasivas - Operacións bancarias activas - Operacións bancarias neutras - Leasing - Factoring
Tema 6. Dereito dos Seguros Privados	<ul style="list-style-type: none"> - Contrato de seguro - Seguros contra danos - Seguros de Persoas
Tema 7. Mercado de Valores	<ul style="list-style-type: none"> - Ofertas Públicas de Valores (OPV) - Mercados secundarios. Contratación - Ofertas Públicas de Adquisición de Accións (OPAS)
Tema 8. Contrato de transporte	<ul style="list-style-type: none"> - Transporte de Persoas - Transporte de cousas - Especificidades do transporte ferroviario - Contratos turísticos
Tema 9. Declaración do concurso	<ul style="list-style-type: none"> - Acordos concursais - Presupostos
Tema 10. Órganos do concurso e efectos	<ul style="list-style-type: none"> - Órganos - Efectos
Tema 11. Determinación das masas activa e pasiva. Solucións do concurso	<ul style="list-style-type: none"> - Determinación das masas activa e pasiva - O convenio - A liquidación - Calificación do concurso - Conclusión do concurso
Tema 12. Elementos estruturais do Dereito da navegación	<ul style="list-style-type: none"> - O buque como obxecto patrimonial e instrumento da navegación. - O naviero e os seus colaboradores.
Tema 13. Contratos náuticos	<ul style="list-style-type: none"> - Arrendamento - Fletamento - Transporte - Practicaxe - Remolque - Outros
Tema 14. Avarías e sinistros da navegación. Seguro marítimo	<ul style="list-style-type: none"> - Avaría común - Abordaxe e naufraxio - Responsabilidade por vertedura de hidrocarburos

Planning

Methodologies / tests	Competencies / Results	Teaching hours (in-person & virtual)	Student?s personal work hours	Total hours
Workbook	A1 A2 A3 A4 A6 A7 A8 A9 A10 A11 A13 A15	0	10	10



Case study	A1 A2 A3 A4 A6 A7 A8 A9 A10 A11 A13 A15 B7 B8 B13 B2 B3 B4 C1 C3 C4 C5 C6 C7 C8	40	0	40
Directed discussion	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A13 A15 B7 B8 B13 B2 B3 B4 C1 C3 C4 C5 C6 C7 C8	10	0	10
Objective test	A1 A2 A3 A4 A6 A7 A8 A9 A10 A11	2	40	42
Events academic / information	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 C4 C7	5	0	5
Guest lecture / keynote speech	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 A13 A15 B7 B8 B13 B2 B3 B4 C1 C3 C5 C6 C8	28	0	28
Personalized attention		15	0	15

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

Methodologies	
Methodologies	Description
Workbook	Recomendáranse textos aos alumnos para que realicen unha lectura detida
Case study	As clases prácticas dedicaranse no seu maior parte ao estudo de casos e xurisprudencia
Directed discussion	Nalgunha clase práctica exporase un problema xurídico e os alumnos tratarán de solucionalo en común.
Objective test	Consistirá nun exame escrito que debe realizarse individualmente polo alumno
Events academic / information	Nalgúns casos organizarase unha Xornada en que algún especialistas impartirá materias relacionadas co temario da materia
Guest lecture / keynote speech	Cada tema comenará cunha exposición oral.

Personalized attention	
Methodologies	Description
Case study Objective test	

Assessment			
Methodologies	Competencies / Results	Description	Qualification
Case study	A1 A2 A3 A4 A6 A7 A8 A9 A10 A11 A13 A15 B7 B8 B13 B2 B3 B4 C1 C3 C4 C5 C6 C7 C8	Valorarase a asistencia e participación dos estudantes nas clases prácticas, así como a entrega dos traballos e resolución dos casos propostos nas devanditas clases	10



Directed discussion	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A13 A15 B7 B8 B13 B2 B3 B4 C1 C3 C4 C5 C6 C7 C8	Valorásense as intervencións dos alumnos na resolución das cuestións expostas, téndose especialmente en conta os coñecementos e destrezas do alumno.	10
Objective test	A1 A2 A3 A4 A6 A7 A8 A9 A10 A11	A proba consiste nun exame final. Será necesario aprobar esta proba para superar a materia.	80
Events academic / information	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 C4 C7	Asistencia a posibles eventos que se organicen en el área.	0

Assessment comments

Sources of information

Basic	MENENDEZ / ROJO (ÚLTIMA EDICIÓN), Lecciones de Derecho Mercantil, t. II, editorial Civitas Thomson Reuters, última edición.SÁNCHEZ CALERO, Instituciones de Derecho Mercantil, t. II, Aranzadi, última edición.AAVV, Lecciones de Derecho Empresarial, Tirant lo Blanch, última edición.
Complementary	

Recommendations

Subjects that it is recommended to have taken before

EU Competition Law and Intellectual property/612G01011
Commercial Law: Company Law and Securities/612G01022
Contract Law/612G01024

Subjects that are recommended to be taken simultaneously

Subjects that continue the syllabus

Other comments

(*)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.