

**SUBJECT DETAILS**

Data on the subject	
Name	Tort, Liability and EU Insurance Law Non-contractual liability in the EU Insurance Business
Degree	Postgraduate in Master in International and European Business Law
Year	2015-16
Nature	Spring
ECTS Credits	2 CREDITS
Department	Law
Area	Law
Teaching staff	Javier de Carvajal Cebrián & Alejandra Galdós

Data on the teaching staff	
Teaching staff	Javier de Carvajal / Alejandra Galdos
e-mail	<a href="mailto:Javier.Carvajal@hsf.com">Javier.Carvajal@hsf.com</a> / <a href="mailto:Alejandra.Galdos@hsf.com">Alejandra.Galdos@hsf.com</a>
Telephone	+ 34 91 423 40 00
Office	Herbert Smith Freehills Spain LLP
Tutoring Schedule	Upon request from students

**SPECIFIC DATA ON THE SUBJECT**

Pre-requisites	
None	
Contribution of the degree to the professional profile	
The degree will provide you with a broader perspective of the international legal frame and will help raising your profile and focussing it towards an international career.	

## COMPETENCES TO BE IMPROVED

What skills you'll gain from this class:

The aim is acquiring an overview of the European tort-liability and insurance regimes in an international environment, and its comparison with the regimes outside the European context.

## THEMATIC AREA AND CONTENT

### AREA 1: NON-CONTRACTUAL LIABILITY

#### Theme 1: Introduction to Rome II Regulation

- 1.1 Choice of law in civil and commercial matters concerning non contractual obligations
- 1.2 *Proper law principle* as the choice of law rule for tort
- 1.3 Case study

#### Theme 2: Comparative law session

- 2.1 Tort liability in different European countries: main topics and concerns
- 2.2 Case study: product liability claims in Europe

#### Theme 3: Cross-border insight into Class and Group Actions

- 3.1 What is a class action and where is it permitted?
- 3.2 Class actions' requirements
- 3.3 Case study: class actions worldwide

### AREA 2: INSURANCE BUSINESS

#### Theme 1: Globalization of the Insurance Market

- 1.1 International Insurance Market: who is who?
- 1.2 Risk transfer mechanisms
- 1.3. Reference to Lloyd's Market

#### Theme 2: The Insurance contract

- 2.1 Participants and features
- 2.2 Insurance comparative law session
- 2.3. International Insurance Programs
- 2.4. Case study

#### Theme 3: The Reinsurance contract

- 2.1 Participants and features
- 2.2 International reinsurance contracts
- 2.3. Case study

## BIBLIOGRAPHY AND RESOURCES

Basic Bibliography
Text books
Chapters of books
Articles
Brüggemeier, G: "Comparative Studies in the Development of the Law of Torts in Europe", in <i>JETL</i> , 2014, i.5
Bataller Grau, J.: "The Harmonization Of European Contract Law: The Case Of Insurance Contracts" en <i>Connecticut Insurance Law Journal</i> , vol 21 issue 1 <a href="http://insurancejournal.org/wp-content/uploads/2015/03/Grau.pdf">http://insurancejournal.org/wp-content/uploads/2015/03/Grau.pdf</a>
Websites
ECTIL- European Centre for Law and Insurance Law <a href="http://www.ectil.org/">http://www.ectil.org/</a>
European Commission-Justice-Insurance Contract Law <a href="http://ec.europa.eu/justice/contract/insurance/expert-group/index_en.htm">http://ec.europa.eu/justice/contract/insurance/expert-group/index_en.htm</a>
International Comparative Legal Guides: Class and Group Actions 2015 <a href="http://www.iclg.co.uk/practice-areas/class-and-group-actions/class-and-group-actions-2015">http://www.iclg.co.uk/practice-areas/class-and-group-actions/class-and-group-actions-2015</a>
International Comparatives Legal Guides- Insurance & Reinsurance 2015 <a href="http://www.iclg.co.uk/practice-areas/insurance-and-reinsurance/insurance-and-reinsurance-2015">http://www.iclg.co.uk/practice-areas/insurance-and-reinsurance/insurance-and-reinsurance-2015</a>
Notes
Other material
<ul style="list-style-type: none"><li>• Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0593&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0593&amp;from=EN</a></li><li>• Regulation EC nº 864/2007 of the EU and the Council of 11 July 2007 on the Law applicable to non-contractual obligations (Rome II) <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0040:0049:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0040:0049:EN:PDF</a></li></ul>

- Principles of European Tort Law, <http://civil.udg.edu/php/biblioteca/items/283/PETL.pdf>
- Project Group "*Restatement of European Insurance Contract Law*", Univesität Innsbruck PEICL (Principles of European Insurance Contract Law).  
English: <http://www.uibk.ac.at/zivilrecht/restatement/sprachfassungen/peicl-en.pdf>  
Spanish: <http://www.uibk.ac.at/zivilrecht/restatement/sprachfassungen/peicl-esp.pdf>

#### Additional Bibliography

##### Text books

##### Chapters in books

##### Articles

- Ordoñez Ordoñez: "Las nuevas tendencias del derecho de seguros en las legislaciones más recientes de los países latinoamericanos" , en *Revista de Derecho Privado*, nº 26/2014.  
<http://dialnet.unirioja.es/servlet/articulo?codigo=4774718>

AAVV: *Journal of European Tort Law*, *JETL*

##### Websites

##### Notes

##### Other material

## TEACHING METHODOLOGY

<b>General methodological aspects of the subject</b>
<b>Contact hours methodology: Activities</b>
Brief lecturing followed by practical examples based on existing cases (case study) and group cases' presentations
<b>Independent study methodology: Activities</b>
Reading of recommended articles and bibliography. Preparation of group presentations

<b>SUMMARY OF STUDENT WORK HOURS</b>			
Activity	Number of class hours	Number of independent study hours	Total number of hours
Lecture	7	20	27
Practical class	8	5	13
Debate	2		2
In class presentation			
Individual work			
Work in collaboration	2	20	22
Evaluation: one minute paper			
Evaluation: class test			
Evaluation: exam	1		1
Evaluation: exam review			
Others			
<b>ECTS Credits:</b>	<b>2</b>		

### GRADE EVALUATION AND CRITERIA

Evaluation Activities	Generic Competences	Indicators	Evaluation Weighting
Individual work	Class preparation and participation	Reasoned defence of opinions, participation and attention paid	10%
Work in collaboration	Cooperation, knowledge and respect	Clarity of the ideas showed, presentation of grounded arguments and defence of pros and cons (respect)	20%
Debate	Preparation and participation	Respect for others' opinion, level of strength of the opinions	10%
Class presentation			
Evaluation: one minute paper			
Evaluation: class test			
Evaluation: exam (final)	Study, knowledge and comprehension of the subject	Level of knowledge shown in the responses, clarity of the ideas and reasonability	50%
Attendance		Attendance	10%