



# COMILLAS

UNIVERSIDAD PONTIFICIA

ICAI

ICADE

CIHS

GUÍA DOCENTE

2025 - 2026

## FICHA TÉCNICA DE LA ASIGNATURA

### Datos de la asignatura

Nombre completo	Real Estate Transactions and Construction Law
Código	E000013129
Impartido en	M.U. en Acceso a la Abogacía y la Procura y Máster de Formación Permanente en Abogacía Internacional [Primer Curso]
Créditos	2,0 ECTS
Carácter	Obligatoria
Departamento / Área	Área de Derecho Internacional Privado

### Datos del profesorado

#### Profesor

Nombre	Diego Agulló Agulló
Departamento / Área	Departamento de Derecho Privado
Correo electrónico	dagullo@comillas.edu

#### Profesor

Nombre	Javier González Guimaraes Da Silva
Departamento / Área	Departamento de Derecho Privado
Correo electrónico	jgguimaraesdasilva@comillas.edu

## DATOS ESPECÍFICOS DE LA ASIGNATURA

### Contextualización de la asignatura

### Competencias - Objetivos

## BLOQUES TEMÁTICOS Y CONTENIDOS

### Contenidos – Bloques Temáticos

#### COURSE SYLLABUS AND CONTENT

##### Content

#### AREA 1. Overview of the Real Estate and Construction sector

##### Topic 1. Introduction to the real estate and construction industry

1. Introduction
2. Real Estate transactions: overview of major operations and key elements
3. Object, principles and main content of Construction Law



## AREA 2. Real Estate and M&A

### Topic 2. Real Estate industry

1. Introduction. Evolution of the Real Estate market in Spain
2. Real Estate transactions: Legal framework and main players involved
3. Ownership of real estate and Spanish registration system
4. Lease agreements and loan and credit portfolios

### Topic 3. Real Estate M&A and beyond. Case study

1. M&A structures and financing: asset deal, share deals and sale of the property
2. Tax, labor and insolvency considerations
3. Cross-border implications. Private International Law
4. Case study: the acquisition of a hotel asset step by step.

## AREA 3. Construction Law

### Topic 4. Introduction to Construction Law: rules, contracts and agents

1. Main legal framework of construction industry in Spain
2. International and domestic construction contracts:
  1. Standard forms contracts
  2. *Ad hoc* contracts
3. Design of the construction and engineering projects and their involved agents
4. Risk and contract management. New technologies in contracts (Build Information Modelling -BIM-).

### Topic 5. Construction Law: life cycle of the project and management. Settlement of disputes. Case study

1. Performance of construction contracts

#### 1.1. Variations

#### 1.2. Delay

#### 1.3. Damage

#### 1.4. Acceptance and quality

1. Legal liability, insurance and warranties in construction claims
2. Litigation and ADR methods applicable in construction and engineering disputes
3. Case study: issues that may arise in construction/engineering projects and how to handle them

## METODOLOGÍA DOCENTE

### Aspectos metodológicos generales de la asignatura

#### TEACHING METHODOLOGY



## General methodology of the subject

### Contact hours methodology : Activities

Each class will be divided into two parts: in the first part, the professor will give a lecture (more theoretical) on the topic of the day. In the second part of the class, a case study (hypothetical or real) could be analysed and discussed with the students.

In two sessions, part of the class will be dedicated to explaining and discussing how to solve a real estate situation and a construction dispute based on the lesson commented during the course.

The last session will be dedicated to the final closed book exam.

Attendance is compulsory.

### Outside class methodology : Activities

Every student is required to attend the teaching sessions and to do the preparatory work.

The Professor will provide the students with a syllabus comprising the most relevant materials (regulations and case-law) and a concrete schedule of review for these materials.

## EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

The use of AI to create entire assignments or substantial parts thereof, without citing the source or tool, or without explicit authorization in the assignment instructions, will be considered plagiarism and governed by the University's General Regulations.

### SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS	
Master classes	Solving practical cases
15	5
NUMBER OF INDEPENDENT WORK HOURS	
Study of master classes	Solving practical cases
15	15
ECTS CREDITS : 2 (50,00 hours)	

## Calificaciones

### GRADE EVALUATION AND CRITERIA



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Evaluation Activities	Indicators	Evaluation weighting
Attendance and class participation	Regular attendance to class and active participation	10%
Client briefing of the legal strategy to face and try to solve a real estate M&A situation and construction dispute	<p>After explaining in class the main strategies to manage and resolve two real life cases on real estate M&amp;A and construction law, each student will have to prepare individually two briefs pointing out his or her point of view on a real estate M&amp;A situation and construction dispute in light of lessons taught during the subject.</p> <p>Around 2-3 pages length. A4-size paper, with 1.5 line spacing, and 11-point Times New Roman (on a Mac, Times)</p>	40%
Evaluation: closed-book exam (final)	<p>The exam is designed to prove that the student properly understands the questions, topics and materials studied in the course.</p> <p>First, there will be a set of facts of a real case law or a hypothetical case designed by the Professor. These facts will be related to topics studied during the module.</p> <p>Second, there will be 5 to 10 questions that relate to the facts above mentioned or that are in relation to them. The student will have to answer to those questions.</p>	50%

## BIBLIOGRAFÍA Y RECURSOS

### Bibliografía Básica

#### BIBLIOGRAPHY AND RESOURCES

#### Bibliography and Resources

SIMBOR ORTEGA, Belén; SANDI BADIOLA, Andrea: "[Spain. The Real Estate Law Review](#)", *The Real Estate Law Review*, Londres:



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Law Business Research, 2023.

MORENO UBRIC, Rafael: '[Manual de Derecho inmobiliario](#)', Cizur Menor (Navarra), First edition, Aranzadi, 2021.

FRANCIS LEFEBVRE: '[Memento práctico arrendamiento de inmuebles. Civil - Fiscal - Procesal 2022-2023](#)', Lefebvre-El Derecho, 2021.

MONGE FERNÁNDEZ, Antonia: '*Responsabilidad y Construcción. Aspectos Jurídicos*', Third edition, Tirant Lo Blanch. It is accessible online throughout Comillas Library – Go to “Biblioteca” / “Biblioteca Digital” / “Bases de Datos” / “Listado Alfabético” / “Tirant on line” -

BAILEY, Julian: '*Construction law*', Volumes I, II and III, Third edition, London Publishing Partnership, 2020.

DÍAZ BARCO, Fernando: '*Manual de Derecho de la Construcción*', Fourth edition, Thomson Reuters Aranzadi, 2018.

CARRASCO PERERA, Ángel: '*Derecho de la Construcción y la Vivienda*', Sixth edition, Editorial Dilex, 2008.

GOULD, Nicholas: 'Construction law: Contracts & Dispute Management Successful contract drafting and management techniques?' Fenwick Elliott. Available here ([nick gould - ibc paper successful contract drafting and management techniques.pdf \(fenwickelliott.com\)](#)).