



COMILLAS

UNIVERSIDAD PONTIFICIA

ICAI

ICADE

CIHS

GUÍA DOCENTE

2025 - 2026

FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura

Nombre completo	Derecho de daños, responsabilidad y seguro / Tort, Liability and EU Insurance Law
Código	E900001225
Cuatrimestre	Semestral
Créditos	2,0 ECTS
Carácter	Obligatoria
Responsable	Joaquín Fernández
Horario	Email: joaquin.fernandez@hsf.com
Horario de tutorías	Upon request from students. Preferably via email.

Datos del profesorado

Profesor

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

Profesor

Nombre	Joaquín María Fernández Moya
Departamento / Área	Facultad de Derecho (ICADE)
Correo electrónico	jmfernandez@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. BASICS OF TORT LAW AND LIABILITY INSURANCE

1. PRINCIPLES OF TORTLAW



1. What is TortLaw and whatfor
2. History of TortLaw and Codified systems Vs. Common law
3. Elements of Tort Law
4. Types of torts

5. Remedies

2. LIABILITY INSURANCE

2. Insurance contracts and what for

1. Elements of an insurance contract
2. The insurance markets in practice
3. Liability Insurance and what for
4. Elements of Liability Insurance
5. Types of Liability Insurance

AREA 2. TORT & INSURANCE IN PRACTICE

Theme 1. PROTECTING THE ENVIRONMENT

1. ESG: Tort and Human Rights
2. Liability of States
3. Where does insurance reach?

Theme 2. LIABILITY FROM THE BOARD

1. Company directors and liability
2. Global reach and criminal law
3. D&O Insurance and indemnities

Theme 3. DEFECTIVE PRODUCTS

1. New directive
2. When a product is defective? Evidence in practice
3. Class Actions
4. Serial losses limits in insurance

Theme 4. TECH IN MOTION

1. Cyber liability and Intimacy
2. International Criminal law
3. Loss of profits insurance coverage

Theme 5. SETTLING LIABILITIES

1. Diagnosis and treatment: conflict analysis and decision making
2. ADR: how it works in practice
3. Role of lawyers: strategy and implementation

Theme 6. STOP THE PRESSES!



1. Crisis management: the first hour
2. Reputational aspects
3. Do's and don't's

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

TEACHING METHODOLOGY

General methodology of the subject

Contact hours methodology: Activities

Brief lecturing followed by practical examples based on existing cases (case study).

Outside class methodology: Activities

Preparation of case studies and pre-reading of recommended articles and bibliography

Post-summaries of learning points

RESUMEN HORAS DE TRABAJO DEL ALUMNO

SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS

Lecture	Practical class	Debate	In class presentation	Individual work	Work in collaboration	Evaluation : exam
4	5	2	3	2	2	2

NUMBER OF INDEPENDENT WORK HOURS

Lecture	Practical	Debate	In class	Individual work	Work in	Evaluation :



	class		presentation		collaboration	exam
7	4	6	2	1	1	9
ECTS CREDITS: 2 (50,00 hours)						

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

GRADE EVALUATION AND CRITERIA

The use of AI to produce complete assignments or substantial parts thereof, without citing the source or tool, or without explicit authorization in the assignment description, will be considered plagiarism in accordance with the University's General Regulations.

Evaluation Activities	Indicators	Evaluation weighting
Individual work(case study totake home)	Grounds and Reasoned defence of opinions	40%
Evaluation: exam(final)	Level of knowledge shown in the responses, clarity of the ideas and reasonability	50%
Assistance	Regular attendance to classes	10%

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography and Resources

SUGGESTED ARTICLES

- Brüggemeier, G: "Comparative Studiesin the Development of the Law of Tortsin Europe", in *JETL*,2014, i.5
- Bataller Grau, J.: "The Harmonization Of European Contract Law: The CaseOf Insurance Contracts" en *Connecticut Insurance Law Journal* , vol 21 issue 1



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<http://insurancejournal.org/wp-content/uploads/2015/03/Grau.pdf>

- 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

- ECTIL- European Centre for Law and Insurance Law: <http://www.ectil.org/>

- European Commission-Justice-Insurance Contract Law: http://ec.europa.eu/justice/contract/insurance/expert-group/index_en.htm

OTHER MATERIALS

- Principles of European Tort Law, <http://civil.udg.edu/php/biblioteca/items/283/PETL.pdf>
- Project Group "Restatement of European Insurance Contract Law", Universität 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>