



FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre completo	Derecho de daños, responsabilidad y seguro / Tort, Liability and EU Insurance Law
Código	E000001225
Título	Máster Universitario en Derecho Internacional y Europeo de los Negocios (International and European Business Law) por la Universidad Pontificia Comillas
Impartido en	Máster Universitario en Derecho Internacional y Europeo de los Negocios [Primer Curso]
Créditos	2,0 ECTS
Carácter	Obligatoria

Datos del profesorado	
Profesor	
Nombre	Alejandra Galdos Ayastuy
Departamento / Área	Centro de Innovación del Derecho (CID - ICADE)
Correo electrónico	agaldos@comillas.edu
Profesor	
Nombre	Consuelo Puerta Varela
Departamento / Área	Centro de Innovación del Derecho (CID - ICADE)
Correo electrónico	cpuerta@icade.comillas.edu

DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura	
Competencias - Objetivos	
Competencias	
GENERALES	
CG01	Capacidad de análisis y síntesis
CG03	Capacidad de gestión de la información
CG06	Capacidad de trabajo en equipo
CG07	Capacidad de trabajo en un contexto internacional
CG08	Capacidad de razonamiento crítico
CG10	Capacidad de desarrollo de un aprendizaje autónomo



CG11	Motivación por la calidad
CG12	Capacidad de aplicar los conocimientos teóricos a la práctica
ESPECÍFICAS	
CE02	Dominar los principales tratados internacionales con relevancia en el ámbito del tráfico económico internacional, distinguiendo los instrumentos vinculantes de las simples recomendaciones o instrumentos meramente interpretativos u orientadores (soft law)
CE04	Dominar las principales normas de derecho comunitario y de derecho internacional con relevancia para el desarrollo de negocios internacionales
CE05	Ser capaz de diseñar estrategias de reestructuración de grupos de sociedades y/o de las actividades intra-grupo y de mercado para maximizar las ventajas del marco legal
CE06	Identificar de manera precisa los riesgos contingentes derivados de las normas relevantes y establecer adecuadamente medidas de evitación o minimización

BLOQUES TEMÁTICOS Y CONTENIDOS

BIBLIOGRAFÍA Y RECURSOS

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

RESUMEN HORAS DE TRABAJO DEL ALUMNO

HORAS PRESENCIALES
HORAS NO PRESENCIALES
CRÉDITOS ECTS: 2,0 (0 horas)

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

En cumplimiento de la normativa vigente en materia de **protección de datos de carácter personal**, le informamos y recordamos que puede consultar los aspectos relativos a privacidad y protección de datos que ha aceptado en su matrícula entrando en esta web y pulsando "descargar"

<https://servicios.upcomillas.es/sedelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792>

SUBJECT DETAILS

Data on the subject	
Full Name	Tort, Liability and EU Insurance Law
Code	E000001225
Degree	Postgraduate in Master in International and European Business Law
Year	2021-22
Nature	Spring
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	Alejandra Galdós and Consuelo Puerta

Data on the teaching staff	
Teacher	
Name	Alejandra Galdós
Department / Area	
e-mail	agaldos@comillas.edu
Telephone	+34 91 423 4000
Tutoring Schedule	Upon request from students

Data on the teaching staff	
Teacher	
Name	Consuelo Puerta
Department / Area	
e-mail	cpuerta@comillas.edu
Telephone	+34 91 423 4000
Tutoring Schedule	Upon request from students

SPECIFIC DATA ON THE SUBJECT

Framework of 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 - Goals

Competences to be developed

Generic Competences

GC 1 Analysis and synthesis abilities

GC 3 Ability to manage information

GC 12 Ability to apply theoretical knowledge into practice

Specific Competences

SC 4 Mastering the main rules of EU law and international law that are relevant to international business development

COURSE SYLLABUS AND CONTENT

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 vs 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: example of product liability complex claim

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

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

Reading of recommended articles and bibliography.

SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS						
Lecture	Practical class	Debate	In class presentation	Individual work	Work in collaboration	Evaluation : exam
6	5	2	3		2	2
NUMBER OF INDEPENDENT WORK HOURS						
Lecture	Practical class	Debate	In class presentation	Individual work	Work in collaboration	Evaluation : exam
7	4	6	2	2	1	8
ECTS CREDITS: 2 (50,00 hours)						

GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
Individual work	Reasoned defence of opinions, participation and attention paid	5 %
Work in collaboration. (Group writing/class discussion on key issues. Multiple choice tests)	Clarity of the ideas showed, presentation of grounded arguments and defence of pros and cons (respect)	10%
Formal debate. (Each group will represent a different party within a complex dispute)	Respect for others' opinion, level of strength of the opinions	25 %

Evaluation: exam (final)	Level of knowledge shown in the responses, clarity of the ideas and reasonability	50%
Attendance	Regular attendance to classes – control by signature of a daily sheet	10%

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography and Resources

SUGGESTED ARTICLES

- Brüggemeier, G: "Comparative Studies in the Development of the Law of Torts in Europe", in *JETL*, 2014, i.5
- Bataller Grau, J.: "The Harmonization Of European Contract Law: The Case Of Insurance Contracts" en *Connecticut Insurance Law Journal* , vol 21 issue 1
<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
- International Comparative Legal Guides: Class and Group Actions 2015:
<http://www.iclg.co.uk/practice-areas/class-and-group-actions/class-and-group-actions-2015>
- International Comparatives Legal Guides- Insurance & Reinsurance 2015:
<http://www.iclg.co.uk/practice-areas/insurance-and-reinsurance/insurance-and-reinsurance-2015>

OTHER MATERIAL

- 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)
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0593&from=EN>
- 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)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0040:0049:EN:PDF>

- 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>