



# COMILLAS

UNIVERSIDAD PONTIFICIA

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## 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	2022-23
Nature	Spring
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	

Data on the teaching staff	
<b>Teacher</b>	
Name	Alejandra Galdos
Department / Area	agaldos@comillas.edu
Telephone	+34 91 423 4000
Tutoring Schedule	Upon request from students

## SPECIFIC DATA ON THE SUBJECT

Framework of the subject
<b>Pre-requisites</b>
None
<b>Contribution of the degree to the professional profile</b>
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
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## 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

<b>General methodology of the subject</b>
<b>Contact hours methodology: Activities</b>
Brief lecturing followed by practical examples based on existing cases (case study).
<b>Outside class methodology: Activities</b>
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

**GRADE EVALUATION AND CRITERIA**

<b>Evaluation Activities</b>	<b>Indicators</b>	<b>Evaluation weighting</b>
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](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>