

## SUBJECT DETAILS

Data on the subject	
Name	Tort, Liability and EU Insurance Law
Degree	Postgraduate in Master in International and European Business Law
Year	2017-18
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	Consuelo Puerta Alejandra Galdos
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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
<p>Brüggemeier, G: "Comparative Studies in the Development of the Law of Torts in Europe", in <i>JETL</i>, 2014, i.5</p> <p>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></p>
Websites
<p>ECTIL- European Centre for Law and Insurance Law <a href="http://www.ectil.org/">http://www.ectil.org/</a></p> <p>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></p> <p>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></p> <p>International Comparatives Legal Guides- Insurance &amp; 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></p>
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

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

SUMMARY OF STUDENT WORK HOURS			
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%