



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	2023-24
Nature	Spring
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	

Data on the teaching staff

Teacher

Name	Alejandra Galdos
Department / Area	
e-mail	
Telephone	+34 606 956 346
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. Principles of European Tort Law

1. Differences between EU and US Tort Law / Codified systems Vs. Common law
2. Introduction to Rome II Regulation
 - 2.1 Choice of law in civil and commercial matters concerning non contractual obligations vs contractual obligations
 - 2.2 *Proper law principle* as the choice of law rule for tort

Theme 2. Product Liability in the EU / Impact of AI

- 2.1 Tort liability in different European countries: main topics and concerns
- 2.2 Case study: example of product liability complex claim
- 2.3. Artificial Intelligence: new regulations

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 Examples

Theme 3. The Reinsurance contract

- 2.1 Participants and features
- 2.2 International reinsurance contracts

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	1	1	8
ECTS CREDITS: 2 (20,00 hours)						

GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
Individual work (case study to take 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 – 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 Comparative 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 n° 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*", 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>