

Mercantile Law II

Code: 102270
ECTS Credits: 6

| Degree | Type | Year | Semester |
|-------------|------|------|----------|
| 2500786 Law | OB | 3 | 1 |

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

Name: Carles Górriz López
Email: Carles.Gorriz@uab.cat

Use of Languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Prerequisites

There is no access requirement.

Groups 1, 2 and 3 of the Law Degree are in Spanish. Groups 51 of the Law Degree and 70 of the Business Management Administration + Law Degrees are in Catalan.

Objectives and Contextualisation

Achieve a good knowledge of the principal institutions of Commercial Law related to commercial contracts, securities and bankruptcy law.

Competences

- Defending and promoting the essential values of the social and democratic State of Law.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Memorising and utilising legal terminology.
- Presenting in front of an audience the problems of a concrete law suit, the applicable legal regulations, and the most consistent solutions.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.

Learning Outcomes

1. Associating the Commercial Law with the current and future society as well as with other (political, sociological, etc.) sectors of society and also with its state, community and international context.
2. Contextualising the Commercial Law within the legal system, its role and its usefulness in the business traffic.

3. Critically distinguishing the historical trajectory in the approval of commercial standards and in the training of trade uses, and being ready to anticipate alternative legal solutions.
4. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
5. Demonstrating theoretical and practical knowledge of Commercial Law, appropriately using its terminology.
6. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
7. Identifying the difference in efficiency of including or not concrete clauses in a trading commercial contract, company contract, charter contract, an other commercial contracts.
8. Managing bibliographic and documentary resources: databases, browsing, etc.
9. Providing a fair and efficient response to the practical cases proposed from the acquired knowledge.
10. Publicly presenting practical cases and its possible legal solutions.
11. Relating the knowledge with problems derived from business traffic in terms of offering fair and efficient solutions.
12. Students must be capable of learning autonomously and having an entrepreneurial spirit.
13. Summarising the theoretical and practical knowledge when drawing up contracts and other commercial law instruments.

Content

1. Commercial specialities of the obligations and contracts general theory
2. Commercial sales contract
3. Collaboration contracts
4. Carriage contract and related contracts
5. Insurance
6. Bank and stock-exchange contracts
7. Securities
8. Bill of exchange, check and promissory note
9. Bankruptcy and pre-bankruptcy Law: definition, aim and legislation. Pre-bankruptcy institutions (refinancing agreements and out-of-court payment agreements)
10. Declaration of bankruptcy. Bankruptcy's bodies
11. Effects of the declaration of bankruptcy
12. Assets and liabilities
13. Solutions to the bankruptcy: bankruptcy agreement and winding-up
14. Bankruptcy classification and closure

Methodology

Learning process

the learning process of students is structured according to three activities:

1. Directed activities

There are two types and they take place in the classroom:

a) Master class. The professors explain the lessons that conform the subject.

b) Practical class. Students apply the theoretical knowledge they have acquired. Professors and students work together. There would be, at least, three practical activities that will require the previous work of the students out of the classroom. There will be different types: resolution of cases, case-law analysis, lecture and understanding of academic text, writing of legal documents, discussion and argumentation, etc. Some of them could be done in groups; others should be done individually.

The academic staff will publish the dates of these activities at the beginning of the semester in the Teaching Space of the Aula Moodle.

2. Supervised activities

Students will prepare the subject and solve doubts in the tutoring services, that can be individual or in group.

3. Autonomous activities

They those activities that imply that students organize their time and effort, both individual or in group, to achieve the required abilities. For instance, they will read and study the bibliography, they will prepare mind-maps and summaries, etc. Regarding Commercial Law II, most of the autonomous activities should be related to follow-up the directed activities and the preparation of the final theoretical exam.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

| Title | Hours | ECTS | Learning Outcomes |
|---|-------|------|----------------------|
| Type: Directed | | | |
| Exercises (practices and cases, comments, debates, simulation of trials...) | 22.5 | 0.9 | 5, 4, 10, 6, 8, 13 |
| Master classes | 22.5 | 0.9 | 2, 3, 7, 11, 13, 1 |
| Type: Autonomous | | | |
| Tasks and study out the class | 72.5 | 2.9 | 2, 5, 3, 6, 9, 11, 1 |

Assessment

For each group, the specific date or the week of carrying out the evaluable items (continious assessment) will be published before the beginning of the teaching, notwithstanding the fact that, exceptionally and due to reasons of force majeure, these may, with prior notice and sufficiently in advance, be modified.

The academic staff will publish the grade of continuous assessment before the final exam.

The final assessment is the result of adding the grades of the continuous assessment and of the exam, each one counting 50%. Regarding the continious assessment, the academic staff will assess all the items that have been done (30%), as well as the attendance and the participation (20%). Although there would be at least 3, professors will specify the number and dates of the items at the beginning of the semester. The final exam will be a test, and the professor will inform about the specific type and how much count the right, wrong and blank answers.

To pass the subject, the student must have obtained a minimum mark of 3 in the final exam and participated in the other two evaluation activities.

Students who have not pass the subject, have right to retake the final exam if they have obtained at least 3 in each of the three evaluation activities (final exam, assignments and participation in class). The students can only retake the final exam; not the continious assessment.

These three evaluation items will be taken into account to determine the final grade resulting from the evaluation as well as the reevaluation. Students who retake exam may obtain a maximum grade of 7.

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|-------|-----------|-------|------|-------------------|
|-------|-----------|-------|------|-------------------|

| | | | | |
|-----------------------------------|-----|------|-----|--------------------------|
| Active participation in lecturers | 20% | 22.5 | 0.9 | 4, 10, 8, 11, 13 |
| Assignments | 30% | 5 | 0.2 | 5, 4, 3, 10, 8, 11, 12 |
| Final exam | 50% | 5 | 0.2 | 2, 3, 6, 7, 9, 11, 13, 1 |

Bibliography

ESSENTIAL BIBLIOGRAPHY

Broseta Pont, Manuel - Martínez Sanz, Fernando, *Manual de derecho mercantil*, vol. II, last edition, Madrid, Tecnos.

Jiménez Sánchez, Guillermo - Díaz Moreno, Alberto (dirs.), *Derecho mercantil II*, last edition, Barcelona-Madrid-São Paulo, Marcial Pons

Menéndez, Aurelio - Rojo, Angel (dirs.), *Lecciones de derecho mercantil*, vol. II, last edition, Cizur Menor, Thomson Reuters Civitas (available at the digital library of the UAB)

Sánchez Calero, Fernando, *Instituciones de derecho mercantil*, vol. II, 2015, Cizur Menor, Thomson Reuters Aranzadi (available at the digital library of the UAB)

Sierra, Eliseo, *Esquemas de derecho de los contratos mercantiles. Incluye los contratos marítimos*, fourth edition, 2020, Valencia, Tirant lo Blanc.

Vicent Chulià, Francisco.: *Introducción al Derecho mercantil*, última edición, Valencia, Tirant lo Blanc (available at the digital library of the UAB)

Software

No special software is used