

**Maritime Law**

Code: 102272  
ECTS Credits: 6

| Degree      | Type | Year | Semester |
|-------------|------|------|----------|
| 2500786 Law | OT   | 4    | 1        |

**Contact**

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**Use of Languages**

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

**Teachers**

Maria Isabel Martinez Jimenez

**Prerequisites**

There are not previous requirements.  
Classes are in Spanish.

**Objectives and Contextualisation**

To achieve a good knowledge of the principal institutions of the maritime 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, assessing and putting into practice changes in jurisprudence.
- 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 law commercial standards for the purpose of its implementation to law suits.
3. Contextualize Maritime Law within the legal regulations, its function and its use in business transactions.
4. Contextualize maritime rules with a view to their application in court cases.
5. Critically describe the historical path of approving maritime rules and the formation of commercial maritime use and be able to forecast alternative legal solutions.
6. 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.
7. Define the speciality and utility of Maritime Law in the framework of legal regulations.
8. Demonstrate theoretical and practical knowledge of Maritime Law, making correct use of its terminology.
9. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
10. Demonstrating theoretical and practical knowledge of Commercial Law, appropriately using its terminology.
11. Distinguishing the speciality and usefulness of the Commercial law in the framework of the legal system.
12. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
13. Identify the different efficiency in including certain clauses in a chartering contract or in any other maritime contract.
14. Identify, recognise the value of and apply Maritime Law in terms of Spanish, community and international jurisprudence (for example the International Tribunal of the Law of the Sea).
15. Identifying, assessing and applying the Commercial Law in the light of the Spanish, community and international commercial case law (for example the International Tribunal for the Law at the Sea).
16. Link Maritime law to the present and future society and to other sectors of the same (politics, sociology, etc.), as well as its national, community and international context.
17. Managing bibliographic and documentary resources: databases, browsing, etc.
18. Publicly presenting practical cases and its possible legal solutions.
19. Relating the knowledge with problems derived from business traffic in terms of offering fair and efficient solutions.
20. Students must be capable of learning autonomously and having an entrepreneurial spirit.
21. Summarise theoretical and practical knowledge for drawing up contracts and other mercantile and maritime instruments.
22. Summarising the basic principles of jurisprudence in the main aspects relatives to the economic and business activity.
23. Summarising the theoretical and practical knowledge when drawing up contracts and other commercial law instruments.

## **Content**

- Introduction to maritime law.
- Law of the sea.
- Administrative organizations of navigations and ports.
- Subjects of the maritime navigation.
- Legal regime of the ships.
- Contrats for use of ships.
- Maritime insurances.
- Average, salvage, navigation accidents and maritime pollution.

## **Methodology**

Lecturers will put into practice the educational activities they deem appropriate in order to facilitate the study and learning of the student.

The development of the teaching of the subject and of the learning of the student is based on the following formative activities:

1. Guided activities: activities where the teacher develops the active part of the class. It includes master classes where the student reaches the conceptual bases of the subject and its legal and regulatory framework and jurisprudential.

Also, the practical classes, where students, individually or in small groups, analyze and solve along with the professor practical cases. Supervised activities: activities that students will develop individually or in small groups, with the support of the lecturer, in order to prepare the evaluable practices, such as discussion and resolution of cases, comments, debates, simulations of judgments, others.

2. Autonomous activities: activities that students will develop autonomously. It includes among others the search and reading of bibliography, norms and jurisprudence, study, preparation of 5 practical cases.

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  | 2, 10, 11, 18, 12, 15, 19, 23                  |
| Master classes                                                              | 22.5  | 0.9  | 2, 10, 9, 6, 11, 18, 12, 17, 15, 19, 20, 23, 1 |
| Type: Autonomous                                                            |       |      |                                                |
| Assessment                                                                  | 5     | 0.2  | 8, 10, 11, 19                                  |
| Tasks and study out the class                                               | 67.5  | 2.7  | 10, 9, 11, 12, 15, 19, 20, 23, 1               |

## Assessment

For each group, the specific date or the week of carrying out the evaluable activities 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 mark of the practices and the participation in the class will be made public before the final exam.

To pass the subject, the student must have obtained a minimum mark of 3.5 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). Only the final exam can be retaken.

These three evaluation activities 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.

A student who cheats or try to cheat an exam will have a 0 as a mark. A Student who submits a paper o practical in which there is evidence of plagiarism will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

## Assessment Activities

| Title                            | Weighting | Hours | ECTS | Learning Outcomes                                       |
|----------------------------------|-----------|-------|------|---------------------------------------------------------|
| Active participation in lectures | 20%       | 22.5  | 0.9  | 10, 9, 18, 17                                           |
| Assignments                      | 30%       | 5     | 0.2  | 3, 4, 2, 8, 10, 9, 5, 7, 18, 12, 17, 13, 19, 20, 21, 16 |
| Final exam                       | 50%       | 5     | 0.2  | 4, 8, 10, 5, 6, 7, 11, 14, 15, 19, 23, 22, 1            |

## Bibliography

Recommended books:

GABALDÓN GARCÍA, José Luis, RUIZ SOROA, José María (2006), *Manual de Derecho de la Navegación marítima*, 3ª ed., Barcelona-Madrid, Marcial Pons.

GABALDÓN GARCÍA, José Luis, *Curso de derecho marítimo internacional. Derecho marítimo internacional público y privado y contratos marítimos internacionales* (2012), Barcelona-Madrid, Marcial Pons.

PULIDO BEGINES, Juan Luis, *Instituciones de Derecho de la Navegación marítima* (2009), Madrid, Tecnos.

PULIDO BEGINES, Juan Luis, *Curso de Derecho de la navegación marítima* (2015), Madrid, Tecnos.

SALINAS ADELANTADO, Carlos, *Manual de Derecho marítimo* (2022), Valencia, Tirant lo Blanch.

## Software

The subject does not have specific software.