

**Economic Criminal Law and Commercial Litigation  
Practice**

Code: 43000  
ECTS Credits: 9

Degree	Type	Year	Semester
4313781 Enterprise Law	OB	0	A

## Contact

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## Use of Languages

Principal working language: spanish (spa)

## Other comments on languages

Tot i que l'assignatura s'imparteix en espanyol no hi ha obstacle a la participació en anglès per part de l'alumnat.

## Teachers

Míriam Cugat Mauri

Santiago Orriols Garcia

## Prerequisites

It is advisable to have a basic knowledge of Criminal Law and commercial law.

## Objectives and Contextualisation

To offer specific skills on the subject matter of special interest for the business world.

## Competences

- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
- Integrate knowledge of the law and of negotiation to make judgments in the business context.
- Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic in business law.
- Seek out, interpret and apply legal provisions related to tax, employment or penal matters within corporate activity, and any others in which a legal solution is needed for situations arising in the business context.
- Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.
- Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.
- Work in a team to create synergies in the workplace, in a coordinated, cooperative fashion.

## Learning Outcomes

1. Describe theoretical and practical aspects of legal procedures on matters of business.
2. Identify the different elements of economic criminal law in order to analyse issues of criminal responsibility within companies, applicable penalties and the main crimes committed.
3. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
4. Interrelate legal principles and negotiation techniques to assess cases of economic criminal law and commercial law procedures.
5. Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic in business law.
6. Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.
7. Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.
8. Work in a team to create synergies in the workplace, in a coordinated, cooperative fashion.

## Content

Regarding the Criminal Law contents, the course will focus on the specific offences, legal conditions for criminal liability, and criminal sanctions.

1. General tòpic.
2. Property crimes v. econòmic crimes.
3. Tax evasion.
4. Market offences.
5. Money laundering.

As for the commercial and procedural contents, some of the procedures of interest for the sector will be analysed, such as the proceedings on small debts, the bill of exchange, unfair competition, illicit advertising, general conditions of contracting, precautionary measures and execution, among others.

Subject 1. The protection of commercial credit: order for payment and exchange proceedings. Non-bankruptcy claims and bankruptcy proceedings.

1. The order for payment "technique
2. In particular, the order for payment procedure in the business sphere.
3. Securities: recalling the concept and the parties involved
4. Exchange proceedings: direct action and return action
5. Declaratory proceedings and insolvency proceedings

Subject 2. The protection of the company's position in the market and the rights of shareholders: competition, standing and problems of proof in some commercial proceedings: unfair competition, unlawful advertising, challenging company agreements and liability actions against directors.

1. Unfair competition and unlawful advertising.
2. Company secrets
  1. Challenging company resolutions
  2. Directors' liability

Subject 3. Precautionary protection in commercial proceedings.

1. Purpose and characteristics of precautionary measures.

1. Procedure
2. Speciality and cases in the commercial sphere.

Subject 4. Enforcement protection: in particular, pecuniary enforcement.

1. Enforcement. General ideas
2. In particular, pecuniary enforcement
3. Investigation of assets
4. Attachment and levy of execution. Enforcement.

If there is any change on the scheduled program it will be communicate at the beginning of the sessions.

## Methodology

Regarding the subject of Economic Criminal Law:

a) for the preparation of each session, the student must previously read the material recommended for this purpose, which will be available on the virtual campus.

b) The classes:

- will begin with a synthetic exposition of the subject by the lecturer.
- During the presentation, or at the end of it, the doubts on the subject treated will be clarified.
- The solution of specific case studies will then be discussed.
- The last half hour of class will be devoted to conducting a short test (via virtual campus / questionnaires) to check and evaluate the knowledge acquired during the session, and will be discussed below.

c) During the course, each student must solve a case study.

When it comes to Commercial Litigation Practice, the professor in charge of each on line group will plan the beginning of the course for the theoretical sessions and the most practical sessions on the development of discussion seminars and resolution of 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			
Lecturers	56	2.24	5, 1, 2, 4, 3, 6, 7
Type: Supervised			
Under supervision	10	0.4	5, 1, 4, 3, 6, 8
Type: Autonomous			
Individual	67.5	2.7	5, 1, 2, 4, 3, 6, 8

## Assessment

The final mark will be awarded according to the following criteria in Economic Criminal Law:

Exam (50%): March 29

Test: 20 questions, with 4 possible answers, only one correct, without penalty for incorrect or unanswered questions.

Continuous assessment (50%)

a) course test (30%): each session

b) case study (20%).

In Commercial Litigation Practice, The evaluation of the subject will be carried out on the basis of a development exam that may consist of solving practical cases and / or answering questions on program subjects, according to the criteria of evaluation of the docent guide.

Common points for the evaluation and reevaluation of both subjects:

Once the evaluation has been communicated, a review may be requested so that the Professor explains to the student the applied criteria (art. 114.3 UAB academic regulations), without prejudice to the student's rights to challenge the grade.

The date of the final exam of the subject is scheduled in the exam calendar of the Faculty.

The scheduling of the evaluation tests cannot be modified, unless there is an exceptional and duly justified reason why an evaluation act cannot be carried out. In this case, the people responsible for the degrees, after consulting the teachers and the affected students, will propose a new schedule within the corresponding school period (art. 115.1 Calendar of evaluation activities, UAB Academic Regulations)

To pass the course, the student must have participated in the three evaluation activities and have obtained at least a 3.5 in the final exam. To take the final exam, it is necessary to prove attendance to 90% of the classes.

Only the reevaluation of the test is possible (50%). The continuous assessment activities cannot be reevaluated, since their meaning is to check the knowledge progressively acquired throughout the course, notwithstanding that in case of illness or other eventualities an alternative solution may be found for the specifically affected student.

To retake the exam, student must have obtained at least a 3 in each of the three evaluation activities. Students who take the reevaluation exam may obtain a maximum grade of 7 in the subject.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Assignments	20%	20	0.8	5, 1, 2, 4, 3, 6, 7, 8
Exercises in class	30%	67.5	2.7	3
Theory and practical tests	50%	4	0.16	1, 4, 3, 6, 7

## Bibliography

Economic Criminal Law

DEMETRIO CRESPO, E./NIETO MARTÍN, A. (dirs.), *Derecho Penal Económico y Derechos Humanos*, Tirant lo Blanch, Valencia, 2018.

DEMETRIO CRESPO, E. (dir.), *Derecho Penal Económico y Teoría del Delito*, Tirant lo Blanch, Valencia, 2020.

GALÁN MUÑOZ/NÚÑEZ CASTAÑO, *Manual de derecho penal económico y de la empresa*, 4ª ed., Tirant lo Blanch, 2021.

MARTÍNEZ-BUJÁN, *Derecho Penal Económico y de la Empresa Parte General*, 5ª ed., Tirant lo Blanch, Valencia 2016.

MARTÍNEZ-BUJÁN, *Derecho Penal Económico y de la Empresa Parte Especial*, 6ª ed., Tirant lo Blanch, Valencia 2019.

MATA BARRANCO et alt, *Derecho penal económico y de la empresa*, Dykinson, 2018. (disponible online-campus virtual)

QUINTERO OLIVARES (dir), *Comentarios al Código Penal Español*, 7ª ed., Aranzadi, Cizur Menor, 2016.

SILVA SÁNCHEZ, JM., *Lecciones de derecho penal económico y de la empresa. Parte general y especial*, Atelier, Barcelona, 2020.

TIEDEMANN, *Manual de Derecho Penal Económico Parte General y Especial*, Tirant lo Blanch, Valencia, 2010.

#### Commercial Litigation Practice

CACHÓN CADENAS, Manuel, *Introducción al Enjuiciamiento civil*, Atelier. Barcelona, 2021.

CACHÓN CADENAS, Manuel, *La Ejecución procesal civil*, Atelier, Barcelona, 2ª Ed. 2018.

DE LA OLIVA SANTOS, Andrés y Otros, *Curso de derecho procesal civil*, Ed. Universitaria Ramón Areces, last edition.

ORTELLS RAMOS, Manuel, *Derecho Procesal Civil*, Ed. Aranzadi, last edition

RAMOS MÉNDEZ, Francisco. *Enjuiciamiento Civil. Cómo gestionar los litigios civiles*, Ed. Atelier, 2008.

#### **Software**

The subject does not require any specific software.