

Degree	Type	Year
4313781 Enterprise Law	OT	0

Contact

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Teachers

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Teaching groups languages

You can view this information at the [end](#) of this document.

Prerequisites

There are no previous requirements.

Objectives and Contextualisation

To achieve specialized knowledge on issues related to the maritime business.

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. Explain and interpret the laws on shipping companies and their subsidiaries, and the principal contracts in maritime law.
2. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
3. Interrelate legal principles and negotiation techniques to assess matters of maritime law.
4. Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic in business law.
5. Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.
6. Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.
7. Work in a team to create synergies in the workplace, in a coordinated, cooperative fashion.

Content

The module analyzes some specific issues of maritime Law, such as the figure of the shipowner (legal nature, limitation of liability), its dependents, the maritime contracts (chartering, bareboat charter, passengers), accidents at navigation (collision, average, pollution), from the perspective of national, European and international law, as well as the practice and uses of the sea. Any changes will be communicated at the beginning of the course.

SUBJECT I SHIPPING COMPANIES AND OTHER SUBJECTS OF NAVIGATION AND MARITIME TRAFFIC.

- 1.- THE SHIPPING COMPANY.
- 2.- SHIPPING AUXILIARIES.
 - 2.1.- INDEPENDENT AUXILIARIES.
 - 2.1.1.- The Consignee Agent Vessels.
 - 2.1.2.- The Freight Forwarder/Logistic Operator.
 - 2.1.3.- The Customs Agent/Authorised Economic Operator.
 - 2.1.4.- The Pilotage Service.
 - 2.1.5.- The Port Handling Contract.
 - 2.2.- ANCILLARY SERVICES DEPENDENT ON THE SHIPPING COMPANY.
 - 2.2.1.- Shore Attendants.
 - 2.2.2.- Dependants on board the ship, the ship's crew :
 - 2.2.2.1.- The Master of the ship.
 - 2.2.2.2.- Officers.
 - 2.2.2.3.- Subalterns.

SUBJECT II.- MARITIME SPACES.

- 1.- THE EVOLUTION OF THE LAW OF THE SEA.
- 2.- UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME SPACES.
- 3.- INTERNAL WATERS.
- 4.- TERRITORIAL SEA/CONTIGUOUS ZONE.
- 5.- EXCLUSIVE ECONOMIC ZONE.
- 6.- CONTINENTAL SHELF.
- 7.- THE HIGH SEAS.
- 8.- THE ZONE.

SUBJECT III.- THE SHIP, NATIONALITY OF SHIPS, MARITIME REGISTERS.

- 1.-NATIONALITY OF SHIPS.
- 2.-CLASSICAL REGISTERS/OPEN REGISTERS.
- 3.-OPEN REGISTERS/ FLAG OF CONVENIENCE.
- 4.-OFF-SHORE REGISTERS.
- 5.-SECOND REGISTERS.
- 6.-PORT STATE CONTROL.

SUBJECT IV.-MARITIME CONTRACTS .

- 1.- MARITIME CONTRACTS.
 - 1.1.- THE SHIP CHARTERING CONTRACT.
 - 1.2.- THE CONTRACT OF AFFREIGHTMENT. 1.2.1.
 - 1.2.1.- THE TIME CHARTERPARTY. 1.2.2.
 - 1.2.2.2.- THE VOYAGE CHARTER-PARTY.
 - 2.- THE CONTRACT OF CARRIAGE BY SEA.
 - 2.1.-BILLS OF LADING.
 - 2.2.-INTERNATIONAL REGULATIONS, THE HAGUE/VISBY RULES. 2.3.
 - 2.3.-THE ROTTERDAM CONVENTION.
- SUBJECT V.- MARITIME INSURANCE.
 - 1.- INSTITUTIONS OF MARITIME INSURANCE.
 - 1.1.- ABANDONMENT.
 - 1.2.- GENERAL AVERAGE,
 - 2.- HULL AND MACHINERY INSURANCE CONTRACT.
 - 3.- THE CONTRACT OF INSURANCE OF MERCHANDISE.
 - 4.- CIVIL LIABILITY INSURANCE (P&I CLUB).
- SUBJECT VI MARITIME PROCEDURES.
 - 1.- PRIVILEGED MARITIME CREDITS.
 - 2.- THE PREVENTIVE SEIZURE OF SHIPS.

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Classroom lectures	36	1.44	2, 3, 5, 6, 7
Type: Supervised			
Resolution of exercises	10	0.4	1, 2, 3, 4, 5, 6, 7
Type: Autonomous			
Personal study	54	2.16	1, 2, 3, 4, 5, 6

Lecturers responsible for each group will plan at the beginning of the course the theoretical sessions and the most practical sessions where discussion seminars, practical cases, comments, text, etc. will be developed.

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.

Assessment

Continous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Attendace and active participation in class	40%	36	1.44	2, 6, 7
Resolution of exercises	60%	14	0.56	1, 2, 3, 4, 5, 6, 7

The evaluation of the subject will be carried out by means of a final test on the set of the syllabus of the subject at the end of the course (50% grade) and the different practices that will be carried out throughout the course (50% of the grade).

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.

It will be considered that a student who participates in any of the continuous evaluation activities will no longer be eligible for a "non-evaluable" status.

This subject/module does not provide for a singleevaluation system.

Bibliography

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

GABALDÓN GARCÍA, José Luis y RUIZ SOROA, José María: *Manual de Derecho de la navegación marítima*, 3ª edición, Marcial Pons, Barcelona-Madrid, 2006.

GIRGADO, Pablo, "Los seguros marítimos y la valoración convencional del interés asegurado", en GARCÍA-PITA, *Estudios de derecho marítimo*, Aranzadi, Cizur Menor, pp. 1015-1034.

MARTÍN OSANTE, José Manuel, "Responsabilidad del naviero en vía civil y en vía penal: algunas diferencias", en *La Ley*, núm. 1, 2005, pp. 191-201.

PULIDO BEGINES, Juan Luis: *Instituciones de Derecho de la navegación marítima*, Tecnos, Madrid, 2009.

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

RUIZ SOROA, José María, "Los créditos marítimos privilegiados y el concurso de acreedores", en *Revista de Derecho concursal y paraconcursal*, núm. 6, 2007, pp. 119-130.

SALINAS ADELANTADO, Carlos, *Curso de Derecho Marítimo*, Tirant lo Blanch, Valencia, 2021.

Software

The subject does not require any specific software.

Language list

Name	Group	Language	Semester	Turn
(TEm) Theory (master)	1	Spanish	second semester	afternoon