



1. General information

Course: CIVIL LAW II

Type: CORE COURSE

Degree: 335 - UNDERGRADUATE DEGREE PROGRAMME IN LAW (TO)

Center: 6 - FACULTY OF LAW AND SOCIAL SCIENCES

Year: 2

Main language: Spanish

Use of additional languages: Classes in English: Groups: 46, 47, 48, 49

Web site: <https://www.uclm.es/toledo/fcjs/titulaciones/grados/gradoderecho>

Code: 35309

ECTS credits: 6

Academic year: 2022-23

Group(s): 40 41 42 44 47 48 43 49 46

Duration: First semester

Second language: English

English Friendly: Y

Bilingual: Y

Lecturer: MARIA SAGRARIO BERMUDEZ BALLESTEROS - Group(s): 40 44				
Building/Office	Department	Phone number	Email	Office hours
SAN PEDRO MÁRTIR. DERECHO CIVIL	DERECHO CIVIL E INTERNACIONAL PRIVADO	5142	sagrario.bermudez@uclm.es	
Lecturer: RICARDO DEL ESTAL SASTRE - Group(s): 41 43				
Building/Office	Department	Phone number	Email	Office hours
SAN PEDRO MÁRTIR. DERECHO CIVIL	DERECHO CIVIL E INTERNACIONAL PRIVADO	5175	ricardo.estal@uclm.es	
Lecturer: JESUS PADILLA GALVEZ - Group(s): 48 49 46				
Building/Office	Department	Phone number	Email	Office hours
SAN PEDRO MÁRTIR. DERECHO CIVIL	DERECHO CIVIL E INTERNACIONAL PRIVADO	5126	jesus.padilla@uclm.es	Classes in English: Groups 46, 47, 48 and 49 Monday 11:00 - 12:00 hours; Tuesday 10:00 - 12:00 hours Thursday 10:00 - 12:00 hours

2. Pre-Requisites

Students should have passed Civil Law I, although this is not an obligatory requirement. Students must have sufficient knowledge of English language of level A2-B1 according to the Common European Framework of Reference for Languages. Justification of the course in the curriculum, its connection to other subjects and relevance for the legal profession Justification: Civil Law Course II is a key part in the formation of a lawyer and deals with the subjective rights arising from binding relations. It introduces students to civil law practice.

3. Justification in the curriculum, relation to other subjects and to the profession

Justification: Civil Law Course II is a key part in the formation of a lawyer and deals with the subjective rights arising from binding relations. It introduces students to civil law practice. Civil law regulates the exchange of goods and services through the legal structure of a contract. According to a contract a creditor is entitled to require the supply of goods or services from a debtor. The aim of Civil Law Course II is to analyze the general concept of obligations and to give an overview of the different types of contractual relations. Its primary goal is to familiarize students with the structure, subjects and binding effects of contractual relationships (compliance and non-compliance), their modification and termination. Within the study the overall focus will be on the essential elements of a contract. Further issues include the question of when a contract becomes effective, its elements and interpretation. Moreover the course offers an overview of the sources of obligation, its classification, breach and extinction. Finally, the remedies for non-performance, warranty liabilities and credit protection will be discussed.

Objectives and learning outcomes: Learn to appreciate the interdisciplinary nature of legal issues and value the systematic order of the legal system. Acquire a detailed knowledge of the most important legal institutions, comprising its current significance through its evolution. Students have developed the ability to legal reasoning and argumentation by applying legal knowledge to practical problems. Students should be able to propose reasonable solutions to legal disputes pondering through discussion and dialogue the most appropriate response. Mastering oral and written skills in order to present a coherent legal knowledge referring the context in which it is required.

Civil Law Course II is a key part in the formation of a lawyer and deals with the subjective rights arising from binding relations. It introduces students to civil law practice. Civil law regulates the interchange of goods and services through the legal structure of a contract. According to a contract a creditor is entitled to require a provision of goods or services from a debtor. The aim of Civil Law Course II is to analyse the general concept of obligations and to give an overview of the different types of contractual relations. Its primary goal is to familiarize students with the structure, the subjects and objects, the binding effects of contractual relationships (compliance and non-compliance), their modification and termination. Within the study of contracts the overall focus will be on the essential elements of a contract. Other issues include the question of when a contract becomes effective, incidental elements of a contract and its interpretation. Moreover the course provides an overview of the sources of obligation, its classification, breach and extinction. Finally, the remedies for non-performance, warranty liabilities and credit protection will be discussed. *Position of the course in the graduate program:* the subsequent course of Civil Law III deals with the study of different types of contracts in particular. Students will be trained to find the corresponding legal applicable to contracts. Students will be encouraged to acquire the necessary skills to solve case studies. *Relevance for the legal profession:* this course is essential for students who want to work as legal professionals (e.g. lawyer, attorney, judge, notary

or registrar or as judicial secretary).

4. Degree competences achieved in this course

Course competences

Code	Description
E02	To understand the systematic nature of the legal system and the interdisciplinary nature of legal problems.
E03	Learn to use constitutional principles and values as a working tool in the interpretation of the legal system.
E05	Ability to read, interpret, analyse and write legal documents from an interdisciplinary perspective.
E07	To critically analyze the legal system that allows the identification of the social values underlying the legal norms and principles.
E08	Work on dialogue, debate, argumentation and the proposal of reasonable solutions in different contexts.
E13	Solve problems arising from the application of general principles of law and legal norms to factual situations.
E14	Acquire the capacity to provide legal advice to public, private and private entities.
G01	Knowledge of a second foreign language, preferably English, at Level B1 of the Common European Framework of Reference for Languages.
G02	Knowledge at the user level of Information and Communication Technologies
G10	Develop the capacity for analysis and synthesis and promote autonomous learning.
G14	Ability to apply knowledge to practice.
G15	Ability to locate, select, process and manage information.

5. Objectives or Learning Outcomes

Course learning outcomes

Description

To appreciate the interdisciplinary nature of legal issues and to assess the systematic unity of our legal system as a whole.
Propose reasonable solutions to legal conflicts that may arise, by assessing the most appropriate response through debate and dialogue.
Reason and argue legally through the application of knowledge to practical problems.
Acquire knowledge of the main private legal institutions, understanding their current significance through their evolution.
To master oral and written skills in order to present the required legal knowledge in a coherent and reasoned manner.

Additional outcomes

Learn to appreciate the interdisciplinary nature of legal issues and value the systematic order of the legal system. Acquire a detailed knowledge of the most important legal institutions, comprising its current significance through its evolution. Students will develop the ability to legal reasoning and argumentation by applying legal knowledge to practical problems. Students should be able to propose reasonable solutions to legal disputes. Students will be encouraged to improve their oral and written skills in order to present a coherent legal knowledge referring the context in which it is required.

Objectives and learning outcomes Learn to appreciate the interdisciplinary nature of legal issues and value the systematic order of the legal system. Acquire a detailed knowledge of the most important legal institutions, comprising its current significance through its evolution. Students have developed the ability to legal reasoning and argumentation by applying legal knowledge to practical problems. Students should be able to propose reasonable solutions to legal disputes pondering through discussion and dialogue the most appropriate response. Mastering oral and written skills in order to present a coherent legal knowledge referring the context in which it is required. To understand the systematic nature of the legal system and the interdisciplinary nature of legal problems. Learn to use constitutional principles and values as a working tool in the interpretation of the legal system. Ability to read, interpret, analyse and write legal documents from an interdisciplinary perspective. To critically analyze the legal system that allows the identification of the social values underlying the legal norms and principles. Work on dialogue, debate, argumentation and the proposal of reasonable solutions in different contexts. Solve problems arising from the application of general principles of law and legal norms to factual situations. Acquire the capacity to provide legal advice to public, private and private entities. Knowledge of a second foreign language, preferably English, at Level B1 of the Common European Framework of Reference for Languages. Knowledge at the user level of Information and Communication Technologies

6. Units / Contents

- Unit 1: THE LAW OF CONTRACT
- Unit 2: ESSENTIALS OF A VALID CONTRACT
- Unit 3: FORMATION OF CONTRACT
- Unit 4: EFFECTIVENESS OF CONTRACTS
- Unit 5: INCIDENTAL ELEMENTS OF CONTRACT
- Unit 6: CONTRACT INTERPRETATION
- Unit 7: INEFFECTIVENESS OF CONTRACT
- Unit 8: LAW AND SOURCES OF OBLIGATIONS
- Unit 9: CLASSIFICATION OF OBLIGATIONS
- Unit 10: CHANGING RELATIONS
- Unit 11: EXTINCTION OF OBLIGATIONS
 - Unit 11.1 PAYMENT OR PERFORMANCE
 - Unit 11.2 ALTERNATIVE PERFORMANCE
- Unit 12: BREACH OF OBLIGATIONS
- Unit 13: REMEDIES FOR NON-PERFORMANCE
- Unit 14: WARRANTY LIABILITY
- Unit 15: CREDIT PROTECTION

ADDITIONAL COMMENTS, REMARKS

Civil law regulates the interchange of goods and services through the legal structure of a contract. A contract is a voluntary arrangement between two or more parties that is enforceable at law as a binding legal agreement. According to a contract a creditor is entitled to require a provision of goods or services from a debtor. Contract is a branch of the law of obligations in jurisdictions of the civil law tradition. The aim of Civil Law Course II is to analyse the general concept of obligations and to give an overview of the different types of contractual relations. Its primary goal is to familiarize students with the structure, the subjects and objects, the binding effects of contractual relationships (compliance and non-compliance), their modification and termination. Within the study of contracts the overall focus will be on the essential elements of a contract. Other issues include the question of when a contract becomes effective, incidental

elements of a contract and its interpretation. Moreover the course provides an overview of the sources of obligation, its classification, breach and extinction. Finally, the remedies for non-performance, warranty liabilities and credit protection will be discussed. Connection to other subjects: the subsequent course is Civil Law III and its aim is the study of different types of contracts in particular. Students will be prepared for that subsequent course in that they acquire the ability to find the corresponding legal norm applicable to contracts. Students learn to apply legal rules in case studies. Relevance for the legal profession: this course is essential for students who want to work as legal professionals (e.g. lawyer, attorney, judge, notary or registrar or as judicial secretary).

7. Activities, Units/Modules and Methodology							
Training Activity	Methodology	Related Competences (only degrees before RD 822/2021)	ECTS	Hours	As	Com	Description
Class Attendance (theory) [ON-SITE]	Lectures	E02 E03 E05 E07 E08	1.08	27	N	-	Lectures.
Other off-site activity [OFF-SITE]	Self-study	G01 G02	1.4	35	N	-	Preparation and study of topics.
Class Attendance (practical) [ON-SITE]	Problem solving and exercises	E07 G14 G15	0.6	15	Y	N	Exposition and solution of case studies in accordance with contents presented in the lectures.
Practicum and practical activities report writing or preparation [OFF-SITE]	Case Studies	E05 E07 E08 E13 E14 G10 G14 G15	1.4	35	Y	N	Preparation of papers and reports to be handed in for assignment.
Study and Exam Preparation [OFF-SITE]	Self-study	E05	1.4	35	N	-	Individual study time of preparation for progress test and final exam.
Progress test [ON-SITE]	Assessment tests	E02 E03 E05 E07 E08 E13 E14	0.06	1.5	Y	N	Written exam about the theoretical and practical topics covered in class.
Final test [ON-SITE]	Assessment tests	E03 E05 E07 E08 E13 E14	0.06	1.5	Y	Y	Final exam about all theoretical and practical topics covered in class.
Total:			6	150			
Total credits of in-class work: 1.8			Total class time hours: 45				
Total credits of out of class work: 4.2			Total hours of out of class work: 105				

As: Assessable training activity

Com: Training activity of compulsory overcoming (It will be essential to overcome both continuous and non-continuous assessment).

8. Evaluation criteria and Grading System			
Evaluation System	Continuous assessment	Non-continuous evaluation*	Description
Assessment of problem solving and/or case studies	30.00%	0.00%	Finding solutions to case studies, solve practical cases presented in class.
Progress Tests	70.00%	0.00%	Written test on the topics covered (theoretical and practical).
Final test	0.00%	100.00%	Students who have not solved the case studies and have not written or passed the progress text, have to take a final exam that consists of a theoretical-practical part that accounts for 70% of the grade, and a practical part including case studies and problems, that accounts for 30% of the final grade
Total:	100.00%	100.00%	

According to art. 4 of the UCLM Student Evaluation Regulations, it must be provided to students who cannot regularly attend face-to-face training activities the passing of the subject, having the right (art. 12.2) to be globally graded, in 2 annual calls per subject, an ordinary and an extraordinary one (evaluating 100% of the competences).

Evaluation criteria for the final exam:

Continuous assessment:

- Students' progress will be assessed regularly on the basis of:
- The results obtained from theoretical and practical work according to the schedule (formative assessment and final exam).
- Participation in solving case studies and discussion of corresponding topics in classroom. Assessment of skills necessary for team work and autonomous learning.
- Those students who fail both written exams (progress test and final exam) must present themselves at the extraordinary examination date. The evaluation is proportional to the acquisition of skills and results obtained by the student. Due to the subject taught and the competences to be assumed, the accreditation of the knowledge acquired in the objective assessment tests is a necessary (although not sufficient) condition.

Non-continuous evaluation:

- Mastery of the subject, both in its theoretical and practical aspects.
- Ability to synthesize and correctly apply the legal terminology of the Law of Obligations and Contracts.
- Clarity in the solution and argumentation of case studies.

Specifications for the resit/retake exam:

The retake exam is a written exam about the entire subject of the program. The exam date of the retake exam will be determined in the official exam calendar.

Specifications for the second resit / retake exam:

The second retake exam is a written exam about the entire subject of the program. The exam date of the second retake exam will be determined in the official exam calendar.

9. Assignments, course calendar and important dates	
Not related to the syllabus/contents	
Hours	hours
General comments about the planning: The time planning of the class contents will be adjusted to the schedule and dates stipulated in the academic calendar.	

Time planning may be subject to variations as a result of unforeseen circumstances, which will be communicated through the platform Virtual Campus.

Unit 1 (de 15): THE LAW OF CONTRACT

Comment: The time planning of the class contents will be adjusted to the schedule and dates stipulated in the academic calendar. Time planning may be subject to variations as a result of unforeseen circumstances, which will be communicated through the platform Virtual Campus.

Unit 3 (de 15): FORMATION OF CONTRACT

Comment: The time planning of the class contents will be adjusted to the schedule and dates stipulated in the academic calendar. Time planning may be subject to variations as a result of unforeseen circumstances, which will be communicated through the platform Virtual Campus.

10. Bibliography and Sources

Author(s)	Title/Link	Publishing house	Citv	ISBN	Year	Description
G. Christandl	Der Vertrag zugunsten Dritter im Entwurf für ein neues spanisches Schuldrecht im Spiegel des europäischen Vertragsrechts	Beck Verlag	München	0943-3929	2012	
Research Group on the Existing EC Private Law Acquis Group	Contract I And Contract II	Sallier	München		2009	
Diez-Picazo, L., E. Roca, A.M. Morales	Los principios de derecho europeo de contratos	Civitas	Madrid	84-470-1780-X	2002	
Diez-Picazo, Luis	Fundamentos del Derecho Civil Patrimonial, vol. I (6ª ed.). Introducción. Teoría del contrato	Civitas	Cizur Menor (Navarra)	978-84-470-2665-4	2007	
Diez-Picazo, Luis	Fundamentos del Derecho Civil Patrimonial, vol. II (6ª ed.). Las relaciones obligatorias	Civitas	Cizur Menor (Navarra)	978-84-470-2944-0	2008	
Diez-Picazo, Luis / Gullón, Antonio	Sistema de Derecho Civil, vol. II, tomo I (11ª ed.). El contrato en general. La relación obligatoria	Tecnos	Madrid	978-84-309-6874-9	2016	
Diez-Picazo, Luis / Gullón, Antonio	Sistema de Derecho Civil, vol. II, tomo II (12ª ed.). Contratos en especial. Cuasicontratos. Enriquecimiento sin causa. Responsabilidad extracontractual	Tecnos	Madrid	978-84-309-7464-1	2018	
Ministerio de Justicia	Spanish Civil Code (Código Civil) (PDF. Ministerio de 2,14 MB)	Justicia	Madrid		2014	
von Bar, Christian, Eric Clive and Hans Schulte-Nölke, Hugh Beale,	Principles, Definitions and Model Rules of European Private Law: Draft Common Frame of Reference (DCFR) https://www.ccbe.eu/.../EUROPEAN_PRIVATE_LAW/EN_EPL_20100107_Principles...	Sallier	München		2009	
Bercovitz, Rodrigo (Coord.)	Manual de Derecho Civil. Contratos (5ª ed.)	Bercal	Madrid	978-84-89118-32-4	2019	
Bercovitz, Rodrigo (Coord.)	Manual de Derecho Civil. Obligaciones (4ª ed.)	Bercal	Madrid	978-84-89118-26-3	2017	
Carrasco Perera, Ángel	Derecho de contratos (3ª ed.)	Aranzadi	Cizur Menor (Navarra)	978-84-1345-737-8	2021	
Cordero Lobato, Encarna y Marín López, Manuel Jesús	Lecciones de Derecho Civil. Derecho de Obligaciones y Contratos en general (5ª ed.)	Tecnos	Madrid	978-84-309-8228-8	2021	
Schulze, R. (ed.)	Common Frame of Reference and Existing EC Contract Law	Sallier	München		2009	
Diez-Picazo, L., E. Roca, A.M. Morales	Los principios de derecho europeo de contratos	Civitas	Madrid	84-470-1780-X	2002	
F. Redondo Trigo	De los Principios Lando al marco común de referencia del Derecho Privado Europeo. Hacia un nuevo lus Commune	Ministerio de Justicia	Madrid	0210-301X	2000	
Ministerio de Justicia	Code of Commerce (Código de Comercio) (PDF. 2,12 MB)	Ministerio de Justicia	Madrid		2014	
Landon, Ole, E. Clive, A. Prüm & R. Zimmermann (eds.)	Principles of European Contract Law, Part III	Kluwer Law International			2003	
Varul, Paul (Ed.)	European Initiatives (CFR) and Reform of Civil Law in New Member States https://www.juridicainternational.eu/public/pdf/ji_2008_1_cover.pdf		Tartu		2008	
Landon, Ole and H. Beale (Eds.)	Principles of European Contract Law. Part I and II. Prepared by the Commission on European Contract Law	Kluwer Law International	The Hague	90-411-1305-3	2000	
W. Gerhard	The Common Frame of Reference [electronic resource] https://www.unisob.na.it/universita/facolta/giurisprudenza/age/dcfr_inglese.pdf	Sallier	München		2009	