

6.00 credits

30.0 h + 9.0 h

Q1



This learning unit is not open to incoming exchange students!

Teacher(s)	Delforge Catherine ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Prerequisites	<i>The prerequisite(s) for this Teaching Unit (Unité d'enseignement – UE) for the programmes/courses that offer this Teaching Unit are specified at the end of this sheet.</i>
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>Students will gain a general knowledge of special contract (civil) law and the law of extra-contractual civil liability. This includes acquiring an understanding of the concepts, their application to concrete situations, and developing a critical mind.</p> <p>Through the tutorials, students are encouraged to find solutions to practical legal problems. This requires a rigorous and critical analysis, implying both a high degree of accuracy and an ability to consider existing thesis with a discerning mind.</p> <p>The tutorials enable mastery of the legal methodology: research and use of the sources of law, structuring of a text, correctness of quotations and bibliographical references.</p> <p>These sessions also invite the students to discover the advantages and limitations of a collective approach. Indeed, although their written work has to be personal and original, the students are encouraged to work together, especially in the research of sources and the identification of given legal issues. Finally, taking place over a period of around two months, these sessions allow the students to learn time-management, by meeting deadlines and external constraints such as typing, the number of pages...</p>

<p>Evaluation methods</p>	<p>The teaching team favours an oral evaluation on the whole course. These modalities might have to be adapted if required by health and safety requirements</p> <p>1. Topics to be assessed</p> <p>a) Main course: This learning activity is assessed out of 20 points (ratio 3/4)</p> <p>The examination is based on the topics studied during the ex-cathedra lecture (completed by material supports) and on the tutorials.</p> <p>The examination can include pure knowledge questions (e.g. definitions of concepts and institutions studied during the course), questions requiring critical judgement (comparison exercise or "open" question on theory) as well as the resolution of a practical case or analysis of documents coming from real life.</p> <p>Students are responsible for the update of the course: the evaluation is of course based on the lessons taught during the academic year during which the examination takes place.</p> <p>The assessment criteria concerning the written examination are the following: to be able to legally qualify a situation as well as reproduce the contents of the course with a critical mind. The following abilities will be especially evaluated: the ability to identify the essential from the accessory, to synthesize the legal knowledge and reproduce it in a complete and precise way, on the basis of a legal provision or regulatory frame; the thinking capacity (including the ability to argue, taking into account that a situation can call upon different judicial regimes, for which a motivated choice has to be made); the ability to draft.</p> <p>b) Tutorials This learning activity is assessed out of 20 points (ratio: 1/4).</p> <p>The assessment criteria regarding the written examination are the following: in addition to the abilities related to the topics and which are the same as those required for the ex-cathedra lecture (see above), students will be examined on the quality of the intellectual approach, the quality of the bibliography and of referencing sources; the quality of the drafting; respecting the instructions in terms of length and deadlines; intellectual honesty (essential for a scientific work).</p> <p>2. Authorized documents and references during the exam</p> <p>During the examination, students can have their codes (provided that they do not mention case-law summaries), as well as special laws related to the studied topics (which need to be printed in full).</p> <p>The authorized documents can only:</p> <ul style="list-style-type: none"> - be underlined or highlighted (fluo); - refer to a legal or regulatory provisions (e.g. see Article 11.34 Civil Code) and/or to a judgement (only the judging court and date of the decision can be mentioned). <p>The use of key works and other notes is not authorized except to mention a title contained in the Code or in special legislation.</p> <p>All documents are inspected at the beginning of the examination. The president of the jury will be informed of any breach of the abovementioned instructions, without consideration of the intention or good/bad faith of the student. The student is the only one responsible for respecting these instructions.</p> <p>3. Students having exemptions or who benefit from special arrangements (PEPS, etc.)</p> <p>Students who have officially been exempted from a part of the course are invited to:</p> <ul style="list-style-type: none"> - e-mail the teachers two days before the examination at the latest to set up the necessary modalities; - on the day of the exam, come with a copy of the official document that authorises the exemption; - only exemptions authorised by the Commission of the Jury for the Bachelor in law programme will be accepted: no unofficial exemption will be granted no matter the circumstances or the previously obtained points by the student. <p>Regarding students with special needs (PEPS), the official document is established by the SAE (Clara Wauthy).</p>
<p>Teaching methods</p>	<p>1° Main course: This course is taught as a lecture, given face-to-face, subject to public health measures.</p> <p>2° The exercise sessions (tutorials):</p> <p>The lecture is supported by tutorials in small groups supervised by a teaching assistant. Students must write an essay on one of the topics dealt with during the lecture. The tutorials will be given face-to-face, subject to public health measures.</p> <p>The tutorials are organised in different stages to allow the professors to follow the students' progress.</p> <p>From the beginning of the course, the students have the specifications manual, setting out the procedure to follow and providing bibliographical references.</p> <p>At the intermediate stage, students will be invited to submit a status report (a review of the research carried out), which will enable the professor to adjust the direction taken by the student. Throughout the tutorial sessions, the assistant will be available to answer relevant questions and assess the students' work.</p> <p>Finally, the students must submit a personal written work.</p> <p>The tutorials require compliance with the instructions included in the specifications manual, which is available for the students at the "Service reprographie".</p>
<p>Content</p>	<p>1° Main course</p> <p>(a) The first part of the course will be devoted to extra-contractual civil liability.</p>

	<p>The initial aim will be to define the general frame of such a liability, namely by critical assessing the foundations on which it may rely and exploring the impact of such a choice [Fault or risk? Individual behaviour or collective risk? Individualism or solidarity? Commutative or distributive justice? Influence of insurance, etc.].</p> <p>The liability regimes based on Civil Code (old), as well as their combination/articulation, will then be examined in more details (Art. 1382-13686bis).</p> <p>Both the main course and tutorials will also focus on specific objective liability regimes (esp. Article 29bis of the Law of 21 November 1989 relating to compulsory insurance for motor vehicles, the Law of 25 February 1991 on liability for defective products).</p> <p>(b) The second part of the course will be devoted to the principal contracts named by the Civil Code, with a focus on the sale (“la vente”), the lease (“bail de droit commun” and “bail de résidence principale”) and service contracts (“contrat d’entreprise” and “mandate”). It ensures continuity with the study of the general regime of contractual obligations (2d year law).</p> <p>in analysing this regime of these contracts, we will draw the students' attention, as future legal practitioners, to the fact that every specific contract is necessarily at the junction of “general” and “special” norms. The former include the “droit commun” of contractual obligations and generally govern the conclusion, implementation, interpretation and dissolution of every contract; as confirmed in Article 1107 of the Civil Code). “Special” norms constitute more specifically the subject matter of this course.</p> <p>The course also aims to highlight the practical importance for parties to complete, adjust or exclude this “general” or “special” law with the help of even more specific norms. The study of clauses emanating from legal practice enables us to understand the actual implications of contractual freedom and the significance of protective legislative interventions.</p> <p>Generally speaking, the course will emphasise the importance of establishing theoretical links between the general and special law of contracts, between special liability regimes and the default regime of the Civil Code, this in order to better understand the concrete implications of the legal rules that affect such contracts and to develop a critical mind.</p> <p>2° The tutorials :</p> <p>The first tutorial will present the framework and give details on the essay that students must submit.</p> <p>The tutorials also aim to address specific issues (sales, contracts of services or supply, liabilities, etc.) with a practical approach, focusing on resolving case-studies and reviewing documents. Specific objective liability regimes based on a particular law will also be explored.</p>
<p>Bibliography</p>	<p>Les supports du cours comportent le renvoi à une bibliographie délibérément limitée. Le but est, en effet, uniquement de permettre aux étudiant-e-s qui le souhaitent de disposer de l'une ou l'autre référence « de base » en la matière.</p> <p>Certaines décisions pourront, en outre, être communiquées par l'équipe enseignante. Dans ce cas, elles font partie intégrante de la matière d'examen.</p>
<p>Other infos</p>	<p>1. Lecture supports</p> <p>For the course dedicated to the special contracts law:</p> <p>A. CRUQUENAIRE, C. DELFORGE, I. DURANT, P. WERY, Droit des contrats spéciaux. Ouvrage à l'attention des étudiants du programme en bachelier en droit, Waterloo, Kluwer, 2015, 3e éd. For the course dedicated to the extra-contractual civil liability law:</p> <p>A syllabus is available at the reprography service of the University and on-line on the intranet.</p> <p>2. Materials for the practical sessions</p> <p>A syllabus listing the documents and the formulation of the exercises will be the main support for this learning activity.</p> <p>The students are requested to come to each session with their civil and economic codes.</p> <p>3. Legislation material</p> <p>No support will be made available for the students by the lecturers.</p> <p>The students are free to choose any code, provided they comply with the instructions above. They can also print the legislations in relation to the course.</p> <p>4. General remarks</p> <p>These different supports are meant to make easier the taking of notes and the study of the topics. They need to be completed by notes taken during the ex-cathedra lecture considering that the final evaluation is based on the contents of this lecture (see supra “Assessment”).</p>
<p>Faculty or entity in charge</p>	<p>DRTB</p>

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law French-Dutch (and French-Dutch-English)	DRNB1BA	4	EMHUB1280 AND BDROI1111 AND BDROI1218	