

Level of qualification:

First cycle (EQF level 6) - Bachelor

Study cycle:

Legal Services

## Course Unit: 9242517 – Law of Obligations II

Year 2

Semester 3

ISCED Code: 380

ECTS: 6,0

Type of Course Unit: Compulsory Delivery Mode: Distance learning

Language of Instruction: Portuguese

COURSE COORDINATOR: João Assis

### HOURS OF WORK

TOTAL HOURS	Contact Hours								Hours in autonomous work
	Theory	Theory and practice	Practical and laboratory work	Field work	Seminar	Internship	Tutorial guidance	Other	
150		45	30				0		75

Prerequisites (if applicable): Law of Obligations I

### LEARNING OUTCOMES (knowledge, skills and competence)

The objective of the present U.C. is to:

- enable students to identify, contextualise and apply the principles and rules that of civil liability, both arising from contractual and non-contractual obligations, namely by enumerating their assumptions, understanding their principles and applying their regime in practice, in particular with regard to the distinction between default, arrears and defective compliance;
- enable students to identify the various forms of coercive compliance;
- make known the modalities of extinction of the obligations in addition to regular compliance, as well as the law applicable to the transfer of obligations; and
- enable students to distinguish between general guarantees and the various special guarantees, with a particular emphasis on the study and understanding of the law applicable to personal and real guarantees.

### CONTENTS

- Importance, contextualisation and systematic location of the subject;
- Object, social function and characteristics of civil liability;
- Contractual and non-contractual civil liability;
- Objective and subjective civil liability;
- Compliance, non-compliance, other ways of extinguishing obligations;
- Transference of credits;
- General and special guarantees;
- Maintenance of guarantees: paulian impugnation, declaration of nullity and subrogation.
- Defective compliance, warranty, and lack of quality of the credit.

### DEMONSTRATION OF THE CONTENTS COHERENCE WITH THE COURSE UNIT'S LEARNING OUTCOMES

- Importance, contextualisation and systematic location of the subject - objective a)
- Object, social function and characteristics of civil liability - objective a)
- Contractual and non-contractual civil liability - objective a) and b)

4. Objective and subjective civil liability - objective a) and b)
5. Compliance, non-compliance, other ways of extinguishing obligations - objective b)
6. Transference of credits - objective c)
7. General and special guarantees - objective c and d)
8. Maintenance of guarantees: Paulian impugnation, declaration of nullity and subrogation - objective c) and e)
9. Defective compliance, warranty and lack of quality of the credit - objective b), c) and d)

#### **TEACHING METHODOLOGIES**

Lectures, analysis and resolution of practical cases, presentations and analysis of jurisprudential pieces and research articles, as well as guided study, using new technologies. The provision of materials, information and content will be based on the relevant Moodle page, which will also be used for the interaction between lecturers and students. The face-to-face classes will be mainly aimed at debating topics and carrying out knowledge exchange through practical exercises. In the distant learning version, there will be weekly synchronous sessions between lecturers and students.

#### **DEMONSTRATION OF THE COHERENCE BETWEEN THE TEACHING METHODOLOGIES AND THE LEARNING OUTCOMES**

The classes will follow a methodology centered on learning promoted by the practical application of the knowledge obtained, by solving problems and practical cases to be solved by students, with the support of the new technologies. The analysis of procedural documents and situations present in the daily life of the profession will also serve as a basis for this learning.

#### **EVALUATION METHODS**

There are three different evaluation periods: (i) Continuous Evaluation; (ii) Evaluation by Final Exam; and (iii) Time of Appeal.

1) Continuous evaluation: it is comprised by written evaluation, work in the classroom and one oral exam. The sum of these elements of evaluation will result in a score that is susceptible to appeal or improvement during the Time of Appeal. The grade of the oral test is eliminatory.

2) Final Exam: it is comprised by a written test (50%) and an oral exam (50%). The written test and the oral exam does not depend on previous performance in any of the elements mentioned above. The grade obtained in this phase is subject to appeal or improvement in the Time of Appeal. The grade of the oral test is final.

3) Time of Appeal: it is comprised by one oral exam which represents 100% of the grade. Students are allowed to sit the Time of Appeal exam regardless of being subject to any previous evaluation.

#### **MAIN BIBLIOGRAPHY**

1. Ferreira de Almeida, Carlos, Contratos VI - Ineficácia. Coimbra: Almedina, reimpressão de 2020.
2. Ferreira de Almeida, Carlos, Contratos V - Invalidez. Coimbra: Almedina, 2.ª Edição de 2020.
3. Menezes Leitão, Luís Manuel Telles, Garantia das Obrigações. Coimbra: Almedina, 6.ª Edição, reimpressão de 2019.
4. Menezes Leitão, Luís Manuel Telles, Direito das Obrigações - Vol II. Coimbra: Almedina. 12.ª Edição, reimpressão de 2019.
5. Miranda Barbosa, Ana, Lições de Responsabilidade Civil. Parede: Príncipe Editora. 2017.

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