

7.00 credits

45.0 h + 9.0 h

Q2

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>1° Main course This course provides the students with a general background in special contract (civil) law and civil liability law. The understanding and mastery of the concepts, their application to concrete situations, and the development of a critical mind are the main objectives of the course.</p> <p>2° The exercise sessions (tutorials) The exercise sessions (tutorials) allow the students to learn how to find the solution to a legal issue of a practical nature. Therefore, they require a rigorous (a high degree of accuracy is expected) and critical (the students should consider the existing theses with a discerning mind) analysis. The tutorials enable the mastery of the legal methodology: research and use of the sources of law, structuring of a text, correctness of quotations and bibliographical references. 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, 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>1. Topics to be assessed</p> <p>a) Main course:</p> <p>This learning activity is assessed on 20 points (ratio 3/4).</p> <p>The teaching team favours an oral evaluation on the whole course. These modalities might have to be adapted according to the health context.</p> <p>The examination is based on the topics studied during the ex-cathedra lecture (completed by material supports) and on the practical cases.</p> <p>The examination can consist in pure knowledge question (e.g. definitions of concepts and institutions studied during the course), in questions appealing to critical judgement (comparison exercise or "open" question on theory) as well as in the resolution of a practical case or in the analysis of documents coming from real life. 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 the ability to reproduce the contents of the course with a critical mind.</p> <p>The following abilities will be especially evaluated:</p> <ul style="list-style-type: none"> - the ability to identify the essential from the accessory, - the ability to synthesize, -the legal knowledge and the ability to reproduce them on 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>b) Practical sessions</p> <p>This learning activity is assessed on 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), the quality of the intellectual approach the quality of the bibliography and of the reference of the sources; the quality of the drafting; the respect of the instructions in terms of length and deadlines; intellectual honesty (essential to a scientific work). Attendance at practical sessions is required.</p> <p>2. Authorized documents and references</p> <p>During the examination the students can have their codes (provided that they do not mention case-law summary), as well as special laws in relation with the studied topics which need to be printed "in full" (no copying and pasting on a word document)</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 provision (e.g. see Article 1134 former Civil Code) and/or to a case-law decision (in this last case, only the seized court and the date of the decision are authorized), no more. <p>The use of key works and other notes is not authorized except to mention a title contained in the code or in a special legislation. All documents are inspected at the beginning of the examination. The president of the jury will be informed of any breach of the above mentioned instructions, without consideration of the intention or good/bad faith of the student. The student is the only one responsible for the respect of these instructions.</p> <p>3. Students having exemptions or who benefit from special arrangements (PEPS, etc.)</p> <p>Students who have officially been exempted of a part of the course are invited to:</p> <ul style="list-style-type: none"> - address a en e-mail to C. Delforge (catherine.delforge@usaintlouis.be) and Jean van Zuylen (jeanvanzuylen@usaintlouis.be) two days before the examination at the latest so that particular evaluation modalities can be set up; - on the day of the exam come with a copy of the exemption official document. - only the exemptions that have been accepted by the competent Commission of the Jury of the program of the Bachelor in law: 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>
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<p>Teaching methods</p>	<p>1° Main course :</p> <p>This course is taught as a lecture either face-to-face.</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.</p> <p>The sessions are organised in different stages in order to allow the professors to mark out the progression of the students. From the beginning of the course, the students have at their disposal the specifications manual, setting out the procedure to follow and providing bibliographical references.</p> <p>An intermediate stage invites the students to hand in a status report (a review of the research that has already been done), which will enable the professor to adjust the direction taken by the student. Throughout the tutorial sessions, the probationary lecturer will be available each week to answer any relevant questions from the students and also for the teachers to assess the students' work.</p> <p>Finally, the tutorials will end with a correction session, which allows a positive assessment of the work achieved.</p> <p>The tutorials require the compliance with the instructions included in the specifications manual.</p>
<p>Content</p>	<p>1° Main course :</p> <p>(i) The first part of the course will be devoted to the study of extra-contractual civil liability.</p> <p>Initially, the aim will be to define the general frame of such a liability, through a critical assessment of the foundations on which it may rely and by focusing on the evolutions that such a choice necessarily induces [Fault or risk? Individual behavior or collective risk? Individualism or solidarity? Commutative or distributive justice? Influence of insurance, etc.].</p> <p>The liability regimes based on former Civil Code will then be studied in more details (art. 1382-13686bis). Others specific laws may be studied (during the Main course or the practical exercises), as well the main objective liability regimes.</p> <p>(ii) The second part of the course will be devoted to the study of the main special contracts. It extends the study of the contractual obligations regime based on the contracts named by the former Civil Code, and focusing on the sale, lease ("common law" lease and main residence lease) and service contracts (supply of services and mandate). Through the analysis of the regime of these contracts, we will draw the students' attention, as a future legal practitioner, on the fact that every specific contract is necessarily at the junction of "general" norms (which constitute what is usually called "common law of contractual obligations" and are intended to govern the conclusion, implementation, interpretation and dissolution of every contract) and "special" norms, which constitute more specifically the subject matter of this course.</p> <p>The aim is also to highlight the practical importance that can exist for the parties to complete, adjust or exclude this "general" or "special" law with the help of even more specific norms.</p> <p>Generally speaking, the course will insist on the importance of establishing theoretical links between general law and special law of contracts, between special liability regimes and common law, this in order to better understand the concrete implications of the legal rules that affect them and to develop a critical mind.</p> <p>2° The exercise sessions (tutorials) :</p> <p>The practical work consists of writing an essay on a concrete issue, relating to some extent to a news topic.</p> <p>The first tutorial focuses in part on the explanation of the expected essay. The tutorials also aim to address specific taught issues (the sales, the contracts of services or supply, the liabilities, etc.) with a practical approach thanks to the resolution of exercises and the review of documents.</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, F. GEORGES, C. HELAS et P. WÉRY, Droit des contrats spéciaux, Ouvrage à l'attention des étudiants du programmes de bachelier en droit, Waterloo, Kluwer, 2021, 6th ed. Slides (not exhaustive) to facilitate the understanding of the oral course will be made available to the students (for the concerned topics).</p> <p>Students will also have to take into account any updates that may be posted on the intranet and Moodle.</p> <p>For the part devoted to the « bail d'habitation » in Brussels Region: a syllabus will be available at the reprography service of the University and on-line on the intranet and Moodle.</p> <p>For the course dedicated to the extra-contractual civil liability law: A syllabus is available at the reprography service of the University and on-line on the intranet.</p> <p>Those books are merely « supports » intended to facilitate taking notes and studying the course. They must be completed by lecture notes. The final evaluation is on the content of the lectures (see above “evaluation”).</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. The students are requested to come to each session with their civil and economic codes.</p> <p>3. Legislation material</p> <p>With regard to extra-contractual civil liability, legislative texts will be made available and can be brought to the exam. With regard to “special contracts” part, no support will be made available for the students by the lecturers. The students are free to choose any code, provided they comply with the instructions above (no summary of case law). Specific legislations relevant for the course can be printed out (in full) by the students and brought to the exam.</p> <p>4. Online platforms connected to the course and the tutorials</p> <p>Professors and assistants will use the platforms Moodle and TEAMS.</p> <p>Moodle is preferred for sharing information (general guidelines, communication of teaching materials, tables of contents, announcements, specific legislation, etc) and, if necessary, setting exams or instructions for group work. Students are invited to consult Moodle on a regular basis.</p> <p>Teams will be used for live exchanges between the teaching team and the students.</p> <p>More information will be, if necessary, provided by the professors.</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 (shift schedule)	DRDB1BA	7	BHDDR1111 AND BHDDR1213 AND BDROI1218A	