


6.00 credits

60.0 h + 9.0 h

Q2

Teacher(s)	Fruy Gaëlle (compensates Jadoul Pierre) ;Jadoul Pierre (coordinator) ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>Law of obligations is a fundamental discipline, which will serve as a basis for many subsequent courses, among which: contract law, labour law, commercial law...</p> <p>The students should therefore understand the concepts and the legal regime that they fall under.</p> <p>The notions studied during the lecture, which proceeds through definitions and illustrations, will be used during the exercise sessions, in which the students will be confronted with a more inductive approach, starting from a casus.</p> <p>By the end of the course, the students will be able to apply the studied concepts to concrete situations</p>
Evaluation methods	<p>The final assessment is an oral examination in person. It will assess the knowledge of the subject matter contained in the syllabus, as well as discussed in class, including the commented jurisprudential decisions.</p> <p>During the entire examination, the students may and should refer to the legal and statutory texts. The articles of the Code may be preceded by a cross and underlined, circled or highlighted, using different colours if appropriate.</p> <p>Below each article, a reference to another or several articles or other legislation(s) closely related to the article in question may be indicated, but only the official title of the law and the number of the relevant article may appear in such annotation. Any other terms are excluded reproduced. A fortiori, terms mentioned in the comments provided during the course are excluded.</p> <p>Bookmarks (or "post-it") may be used, but they may only mention the official title and date of the legislation concerned.</p> <p>ATTENTION: any annotation, even a single word, that exceeds the limits indicated here will be considered as a fraud. The student's mark will then be reduced to 0/20 (cf. articles 107 et seq. of the Academic Regulations and Procedures).</p> <p>Each student will be asked to hand in a written report that will evaluate the originality and the quality of the intellectual approach, the accurate use and the good referencing of sources and the compliance to constraints.</p> <p>The use of artificial intelligence (AI) is not prohibited <i>per se</i> in the context of practical work, but must be limited to the occasional support of the student in the performance of certain tasks, such as linguistic revision of the text, translation of a text fragment, etc. This AI support in no way exempts the student from carrying out the required research and writing tasks himself or herself, which requires that he/she shows judgement and a critical mind and that he/she conscientiously references his/her statements with reference to the use of CHATgpt or another form of AI. The student is required to respect all principles of academic work, personal work and genuine work, among others, in accordance with the specifications of the relevant "cahiers des charges" that are fully applicable.</p> <p>The student is also required to:</p> <ul style="list-style-type: none"> - respect the principles upheld by the faculty in this area (see the document "Responsible use of generative artificial intelligence"); - complete and sign the Integrity Commitment when submitting each piece of work. <p>The final grade given to the student for this course will be based on: the examination grade (75% of the final grade) and the exercise sessions grade (25% of the final grade).</p>

Teaching methods	<p>This course is a lecture, nevertheless the subject matter can be illustrated by the analysis of documents and/or jurisprudential decisions.</p> <p>Exercises are scheduled in group sessions allowing the teacher to translate theory into practical situations. The practical work takes the form of five one-and-a-half hour sessions and one two-hour session organised in the second semester of the academic year. Active student participation is also expected. The practical work is intended to enable students to develop their ability to express themselves orally on a legal subject, in discussions with the assistant and among fellow students. This active participation (which is graded) requires adequate preparation of the announced sessions as well as case statements.</p> <p>Each student is required to produce a written work, preceded by a statement of the issue ("état de la question").. The latter enable to assess the understanding and practical application of the material covered in the course. Each student will also be required to make an oral presentation of his or her work. Precise instructions are given in the syllabus for the practical work.</p> <p>Attendance at the practical sessions - as well as the handing in of the actual work that the practical work involves - is compulsory (cf. art. 17, § 1, of the Regulations of the Faculty of Law).</p> <p>Article 17, § 3, of the said Regulations states that "Justification for absences or failure to hand in the actual work (...) must be provided at the latest on the day following the end of the impediment, failing which it is inadmissible. It is the subject of a notification to the faculty administration in accordance with article 103 of the Academic Regulations and Procedures)". According to the latter provision (paragraph 1), the student "shall hand over to the faculty administration the original of any supporting documents, i.e. a medical certificate or any other document whose evidential value is left to the sovereign appreciation of the jury chairman. However, when this day is a Saturday, a Sunday, 27 September or a public holiday, the day on which the documents are to be handed in is postponed to the next day that is not one of these days.</p> <p>In terms of consequences, unjustified absence from more than one session or unjustified failure to submit any genuine written work within the time allowed is penalized by an overall grade of 0A/20. Any disputes in this respect will be lodged by means of a subsequent appeal against the decision of the jury adopted during the deliberation for the session concerned (cf. art. 155 et seq. of the Academic Regulations and Procedures).</p>
Content	<p>Most of the subject matter can be found in Books 1, 5 and 8 of the (new) Civil Code, adopted during the 2019-2024 legislature.</p> <p>After a definition of the notion of obligation in the legal sense of the term (introduction), the course will explore the sources of obligations, as well as the general regime of obligations : the modalities of obligations, obligations with multiple objects or subjects, transmission of obligations, performance and non-performance of obligations, measures to safeguard the rights of the creditor and the causes of termination of obligations. It concludes with an examination of the proof of the obligations. Certain limited aspects of the new Book 6 of the (new) Civil Code, which will come into force on January 1, 2025, will be covered during the course, notably those relating to the immunity of operating agents and the "concours de responsabilités".</p>
Bibliography	<p>Le syllabus renvoie à différents ouvrages, articles ou notes « pour en savoir plus ».</p> <p>Ces références peuvent être complétées par :</p> <ul style="list-style-type: none"> - M. COIPEL, <i>Eléments de théorie générale des contrats</i>, Bruxelles, Ed. Story Scientia, 1999. - J. HANSENNE, <i>Introduction au droit privé</i>, 3ème éd., Bruxelles, Ed. Story Scientia, 1997. - P. VAN OMMESLAGHE, <i>Traité de droit civil belge</i>, Tome II : Les obligations, Volumes 1 à 3, Bruylant, 2013. - P. WÉRY, <i>Droit des obligations</i>, Vol. 1 : Théorie générale du contrat, 3ème éd., Larcier, 2021 & Vol. 2 : Les sources des obligations extracontractuelles – Le régime général des obligations, Bruxelles, Larcier, 2016. - A. CATALDO et F. GEORGE (coord.), <i>Droit des obligations. Le nouveau livre 5 du Code civil</i>, Limal, Anthemis, 2022. - R. JAFFERALI (coord.), <i>Le Livre 5 du Code civil et le nouveau droit des contrats</i>, coll. UB3, Bruxelles, Larcier, 2022. - B. KOHL et P. WERY (dir.), <i>Le nouveau droit des obligations</i>, coll. Commission Université-Palais – Université de Liège, Limal, Anthemis, 2022. - T. DERVAL, R. JAFFERALI et B. KOHL, <i>La réforme du droit des obligations – Présentation générale des livres 1 er et 5 du nouveau Code civil</i>, Coll. Conférence du Jeune Barreau de Bruxelles, Bruxelles, Larcier, 2023.
Other infos	<p>Didactic supports proposed to the students:</p> <ul style="list-style-type: none"> #- the syllabus (to be completed by personal notes); - the collection(s) of decisions of jurisprudence (commented in class); - the legal and statutory texts (It is imperative to use regularly and frequently the legal and statutory texts in order to be familiar with their handling); - the syllabus of the exercise sessions.
Faculty or entity in charge	DRTB

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	DROB1BA	6		
Bachelor in Law French-English (and French-English-Dutch)	DRAB1BA	6		