

6.00 credits

60.0 h + 9.0 h

Q1

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>
Main themes	<p>The teaching unit (UE) provides basic training in the law of special (civil) contracts and extra-contractual civil liability.</p> <p>It is a direct extension of the law of obligations course, which has made it possible to study the general theory of obligations by deepening two specific sources of civil obligations: the contractual legal act appointed by the legislator, and the legal fact legally qualified as a liability-generating event. In doing so, the UE also provides the necessary foundations for the study of more specialised subjects within the scope of the Bachelor's degree (business law, labour law, certain elective courses, etc.) and the Master of Laws, whether as part of the compulsory core curriculum (e.g. private international law) or in elective courses or specializations (in-depth consumer law, real estate law, commercial contract law, credit law, accident or disaster law, insurance law, environmental law, digital law, etc.).</p> <p>The UE is part of the aims set out in <i>the Manifesto for Law Education</i> adopted by our Faculty in 2015 (<i>R.I.E.J.</i>, 2016/1, Vol. 74, pp. 169-175). https://dial.uclouvain.be/pr/boreal/en/object/boreal%3A178251/datastream/PDF_01/view</p> <p>In particular, the mastery of concepts, their application to concrete situations, and the development of a critical mindset are the general objectives of the UE.</p> <p>Moreover, the subjects are directly related to our daily lives, particularly that of students: noticing that the recently purchased smartphone presents defects, shopping online, renting a student flat or an apartment to establish one's primary residence, renting a shared bike or a shared scooter, assuming responsibility as a chef or during a student job, causing or suffering damage as a result of a road traffic accident, being implicated in damage caused by one's pet, being dissatisfied with a service provided by their mechanic, being represented in a vote, etc. Links are thus regularly made with "practical life", thanks to examples as well as some case law decisions.</p>
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>As an extension of the <u>framework of prior learning adopted by the Faculty of Law at the Saint-Louis campus</u>, the following generic skills are worked on within this UE:</p> <ol style="list-style-type: none"> I. Acquiring a general cultural knowledge II. Acquiring specific legal knowledge III. Acquiring the methods and tools of the scientific approach IV. Acquire analytical, reflective, and argumentative skills based on concrete situations V. Proficiency in written and oral communication in French <p>Specifically, at the end of the UE, students will have demonstrated that they have acquired legal knowledge in the law of civil contracts and extra-contractual liability, which implies:</p> <ul style="list-style-type: none"> • a mastery of the concepts and guiding principles relating to the subjects taught; • a mastery of the stage of legal qualification, which is necessary for approaching concrete situations, as well as understanding its stakes in terms of choosing the "solution" to be proposed; this approach notably requires mastery of the relevant articulation between the different "layers" of legal norms – general and more specific – likely to apply to a given situation (various books of the Civil Code, provisions of the Code of Economic Law and special laws outside the codes) and the issues at stake in this articulation ; • an ability to correctly identify the intensity of the norms applicable to a given situation (in the contractual and/or extra-contractual field) to properly assess the extent of the contractual freedom enjoyed by the parties to a contract in adopting derogatory provisions; • an ability to take a critical view of the subject matter, in particular through a correct reading of legal texts which, despite their apparent clarity, can remain sources of interpretation when confronted with concrete situations; • deepen oral communication skills during evaluation sessions in French. <p>Through <u>practical work</u>, students will also have, in direct connection with the lecture content,</p>

- deepened their knowledge and skills related to the steps of a **rigorous scientific approach** and the **writing of a writing in positive law**. In particular, they will be able to demonstrate:
- their mastery of documentary research methods and tools, with a view to exploiting the results;
- their ability to conduct research independently with a scientific dimension;
- their ability to respect the ethical framework established by the Faculty and University in the use and referencing of documentary resources and artificial intelligence tools;
- developed **analytical, thinking, and argumentation skills** based on concrete situations. In particular, they will be able to demonstrate:
- their ability to analyse a situation by mobilising the relevant legal bases, identify possible solutions, assess their relevance, and make a reasoned choice aligned with the factual context and any expectations expressed;
- their critical sense.
- deepened their **written communication** skills ("état de la question" and final work) **and oral** communication skills (exchanges during the sessions, oral presentation of the " état de la question") in **French**;

As for transferable skills, students will have,

- developed a sense of **autonomy** in their course of study and in the process of drafting a written paper in a legal field (compliance with deadlines and instructions, preparation of sessions, etc.);
- developed their **ability to work in a group** and to be part of a co-reflection and co-construction process. While the written paper submitted at the end of the semester must be personal and original, students are nevertheless invited to cooperate, particularly in the search for sources and the identification of legal issues.

Evaluation methods

1° MATTER SUBJECT TO THE EVALUATION

The evaluation of the teaching unit (UE) focuses on the subject taught during the lecture, as it is also identified in the PowerPoint course materials available on Moodle. It also covers the "techniques" for solving practical cases that were worked on during the practical work sessions (TP).

Students must ensure that they are up to date: the evaluation is specific to the teaching provided during the academic year during which it takes place. This is especially important in this period of successive (and profound) reforms of the field.

2° TYPE OF EVALUATION

Lecture

In the first and second sessions, the examination relating to the lecture takes the form of an oral evaluation, which focuses on the subject taught.

The exam is scored out of 20.

The score awarded to this assessment corresponds to 3/4 of the final UE grade.

Only one "main" question is the subject of the preparation time. The other questions are asked on the spot, making sure to cover both parts of the subject (DRNL : supprimer la mention car que « contrats »).

The examination may take the form of knowledge questions (a definition exercise, a list of related concepts to be defined, etc.), reflection (a comparison exercise, an "open" theoretical question, a discussion based on a legal provision or an article of the proposal for a new Book 7 of the Civil Code, a reflection to be presented based on the main principles and/or concepts that govern the matter, etc.), as well as the development of initial ways to resolve a practical case whose degree of difficulty is adapted to an oral exam (following a necessarily short preparation time).

Practical work with casus

The evaluation of the practical work is marked out of 20.

The mark awarded corresponds to 1/4 of the final grade of the UE.

The details relating to the evaluation are included in the specifications of the TP.

In the first session, the evaluation focuses on active participation in the sessions and the presentation of the state of the question (5 points out of 20) on the one hand, and on the completion of a written assignment (15 points out of 20) on the other.

If the written work is to be (re)submitted as part of the second session (which is the case if the UE and the practical work were not passed with a mark of 10/20 in the first session), students carry out the work based on the practical file received in the first session.

Regarding the mark out of 5 for participation in the practical sessions and the state of the question, the student has the choice:

- *or keep the grade they obtained at the end of the first term*: the grade is then carried over and includes the overall mark awarded for the practical work, alongside the written work presented in the second session. Keeping the grade from the first term will automatically be the option chosen by the assistant in the absence of a request from the student to prepare a case law commentary (see next option);
- *or try to improve the grade they obtained at the end of the first term*, which they must inform the assistant who supervised the practical work by July 15 of the current academic year at the latest. The student will then be required to submit, in addition to the above-mentioned written work, a commentary on a case law decision communicated by the assistant. Failure to submit this commentary will result in a score of 0/5 for the "participation and state of the question" part of the practical work grade. The instructions for the case law commentary are included in the specifications for practical work, to which reference is made.

The written work (state of the question and final work) must be submitted to the assistant according to the terms and conditions defined in the specifications of the practical work (not. sending by email for the "state of the question" and deposit on Moodle for the final work).

As far as the final work is concerned, **only the version uploaded to Moodle is authentic**, even if a version has been communicated by another means (email or other).

Students will also ensure that the **"good" written work is submitted**: the submission on Moodle of a work on another subject (e.g. the one relating to another practical work) is equivalent to the failure to submit the expected work and therefore justifies a grade of 0A for the "written work" part of the practical work, and therefore for the UE. It is not up to the assistants to check before the session whether this minimum requirement is met by the students.

The final work (1st and, if applicable, 2nd sessions) must also be accompanied by **the commitment of integrity** established by the Faculty for the Bachelor of Laws program.

This document must be signed by the student.

If the signed document is not submitted, the work mark is reduced by two points.

Other important details:

- As noted, **participation in the sessions and submission of actual work is mandatory** and is subject to a full evaluation.

Unjustified **absence** from more than one session and unjustified **failure to submit a genuine written assignment** ("state of the matter" and final work) within the given time and according to the channel identified by the assistant give rise to a mark of **0A/20** for the practical work and, therefore, for the UE.

The requirement that the work be a **real work** is assessed according to the instructions determined in the specifications of the practical work, in accordance with the decision taken by the Faculty Council, to which it is referred.

In the event of a **delay** in the communication of a written work ("status of the question" and final work) **in compliance with the deadline and the channel** indicated (email for the "status of the question" and Moodle for the final work) by the assistant, the sanctions are as follows:


- A decrease in the mark of 2 points per 24 hours of delay in the submission of the work;
- The attribution of a score of **0A/20** when the work is submitted more than 5 days late.

This applies to each of the sessions.

<p>Teaching methods</p>	<p>1° LECTURES</p> <p>It is an <i>ex cathedra teaching</i>, in a large audience.</p> <p>The teacher pays attention to supporting the progression of the students' knowledge, in particular through systematic reminders, made at the beginning of the course, and relating to the teaching given during the previous course, as well as to test moments or live questions and answers (<i>wooclap</i> or other). A "question and answer" session is organised at the end of the term.</p> <p>PowerPoints (slides) are placed on Moodle before each class to accompany notetaking.</p> <p>A "directed" study session on contract and liability law is offered on an optional basis. For two hours placed at the beginning of the blockade, they allow students to come and study on site while benefiting from the presence of the incumbent to answer their questions. On this occasion, the incumbent also presents PowerPoint and synthesis exercises.</p> <p>In addition to the specifically dedicated moments of exchange that punctuate the teaching, students are invited to give priority to the moments of class (before, between classes or after) to ask their questions.</p> <p>2° PRATICAL WORK SESSIONS</p> <p>Practical work sessions (TP) accompany the lecture.</p> <p>They are given in small groups of maximum 25 students and are supervised by an assistant.</p> <p>These practical exercises take the form of 6 sessions of 1h30 whose main purpose is the collective resolution of practical cases (<i>casus</i>) relating to subjects taught as part of the lecture.</p> <p>The first session is partly devoted to the presentation of the pedagogical framework of the course, as well as the instructions and procedures for carrying out the written work that each student must submit at the end of the term. This is followed by sessions devoted to the main subjects taught.</p> <p>Individual sessions and/or appointments are organised by the assistant, according to the terms and conditions specified during the first session.</p> <p>The final (written) work takes the form of a judgment written based on a dossier of documents from practice. An interim state of research is expected and takes the form of a "state of the matter" document, submitted halfway through the semester and presented orally to allow students to share their results and possible solutions, and to receive advice from the assistant</p> <p>Attendance at the practical sessions is mandatory, and active participation is required.</p> <p>For the work in the session to be fully profitable, individually and collectively, it is also expected that students bring their practical work syllabus as well as their codes during the organized sessions.</p> <p>All the instructions relating to the practical work are explained in the practical work specifications which are made available to students via the SVIB Course Materials Office and can be downloaded on Moodle.</p> <p>Compliance with them incorporates EU requirements.</p>
<p>Content</p>	<p>The teaching unit (UE) consists of two activities, understood as forming a coherent whole. The teaching team ensures the strongest possible coordination between theoretical instruction (lectures) and practical work sessions.</p> <p>It focuses on the study of Belgian law, integrating recent reforms (particularly Books 1, 5, and 6) and reform projects (Book 7) of the Civil Code. European law, resulting from transposed directives and applicable regulations, is also addressed in relation to specific themes (consumer protection, environmental protection, AI and "smart" objects, and specialties)</p> <p>1° The lecture</p> <p>It begins with a general introduction to the law of compensation for damages, from the Civil Code of 1804 to the present day. Through a critical presentation of the foundations on which the law of compensation for damage is based, the aim is to demonstrate how the question of the allocation of the risks of damage (or accidents) has been dealt with over time by the legislator, e.g.: is the obligation to compensate based on fault, risk, or a guarantee obligation, and what reason(s) dictate such a choice? Is the legal consecration of an obligation to make reparations based on individual behaviour or collective responsibility? Does the legal framework manifest an individualist or solidarist approach? Is justice commutative or distributive? What points of rupture does the new Book 6 of the Civil Code show in relation to the principles that innervated the old Civil Code? etc.</p> <p>The course continues with a <u>presentation of the extra-contractual liability regimes</u> of Book 6 of the Civil Code, i.e. what forms the so-called "common" law of the subject.</p> <p>The following points are addressed in this context:</p> <ul style="list-style-type: none"> • the facts that generate liability (personal act, act of another, does things, makes animals); • legal causality; • the damage and the main civil law principles for its reparation; • the concurrence of actions between several bases of liability (contractual and extra-contractual liability, but also concurrence between the regimes of extra-contractual liability); • the principles governing remedies between co-debtors in the event of multiple liability for the same damage. <p>Finally, emphasis is put on the presentation of <u>special liability regimes</u>:</p> <ul style="list-style-type: none"> • liability for defective products (initially governed by a law of 25 February 1991 and now included in Art. 6.41 et seq., C. civ.; this part considers the future transposition of European Directive No. 2024/2853 of 23 October 2024); • automatic compensation for vulnerable road users (Article 29bis of the Act of 21 November 1989 on compulsory insurance against liability in respect of motor vehicles). <p>Through the examination of these regimes, students' attention is especially drawn to the interest of keeping a solid anchor in the "great" theoretical/conceptual distinctions of the law of extra-contractual liability and, therefore, between</p>

	<ul style="list-style-type: none"> • the specific and common fields of liability of a legal nature (contractual and extra-contractual civil liability, criminal liability) as well as their articulation; • the articulation between general law and special law; • the categories of triggering events; • the nature of the grounds for compensation: automatic compensation vs liability; distinction between subjective, presumed, and objective liability, etc. • the possibilities of competition of actions. <p>(b) The second part of the course is devoted to an examination of the regime of the main special civil contracts, understood as the most common contracts, namely:</p> <ul style="list-style-type: none"> • the sales contract; • the contract for work; • the mandate contract; • the so-called "common law" lease contract; • the residential lease contract in the Brussels-Capital Region. <p>This part directly extends the study of the general regime of contractual obligations, as it was reformed with the adoption of Books 1 and 5 of the Civil Code, and places the regimes in critical perspective.</p> <p>It begins with a (brief) general introduction, which is based, by recalling them, on the fundamental principles of the common law of contracts, to then be able to carry out a critical, transversal, and decompartmentalized approach to the special contracts whose regime is presented.</p> <p>Through the examination of the regime of these contracts, it is in particular a question of</p> <ul style="list-style-type: none"> • drawing students' attention, future legal practitioners, to the fact that each particular contract is necessarily part of the confluence of general norms and special norms that should be combined. • to emphasize the practical interest that there may be for the contracting parties to supplement, adjust, or exclude this general or special right by even more specific norms (contractual clauses) when the legislator authorizes them to do so. <p>The teaching insists on the importance of drawing links between the two parts of the subject, the concrete situations most often bringing them together.</p> <p>2° Practical work sessions "with casus"</p> <p>Practical work sessions (TP) accompany the learning of the subjects taught in the lecture.</p> <p>This practical work tends to anchor legal knowledge to usefully mobilize it in the resolution of concrete situations as well as to adopt a more transversal and critical reflection. In this way, they make it possible, in particular, to confront a "decompartmentalized" approach to the subjects taught.</p>
<p>Inline resources</p>	<p><i>Moodle</i> is preferred for the sharing of information (general instructions, provision of course materials, course plans, announcements, special legislation, etc.) and possible tests or collective work arrangements. <i>See also the section above.</i></p> <p>Students are invited to consult it regularly.</p> <p>Additional details will be given by the teaching team if necessary.</p>
<p>Bibliography</p>	<p>Le <i>Manuel de droit des contrats</i> et les syllabus en responsabilité extracontractuelle comportent le renvoi à une bibliographie afin de permettre aux étudiant-es qui le souhaitent de disposer des références « de base » en la matière.</p>

<p>Other infos</p>	<p><u>TEACHING MATERIALS</u></p> <p><u>The following are available at the SVIB Course Materials Office (Syllanet) :</u></p> <p><i>For the lecture:</i></p> <ul style="list-style-type: none"> • A. Cruquenaire, C. Delforge, I. Durant, F. George, C. Hélas et P. Wéry, <i>Droit des contrats spéciaux, Ouvrage à l'attention des étudiants du programmes de bachelier en droit</i>, Waterloo, Kluwer, 2022.. <i>This support is optional. It is no longer up to date. A new edition will be published in early 2026.</i> • Syllabus relating to the lecture course on extra-contractual liability. <p><i>For the practical work sessions:</i></p> <ul style="list-style-type: none"> • The syllabus serving as a support for the practical work and which contains (i) the specifications of the practical work in contract and civil liability law; (ii) the statement of the exercises that will be carried out during the practical sessions; (iii) any appendices (e.g. theoretical sheets, models of court decisions and the commitment to integrity). <p><i>Besides:</i></p> <ul style="list-style-type: none"> • the Code BAC for the current academic year. The use of a previous version is authorised subject to compliance with the instructions set out <i>above</i> (see the section "Method of assessing student achievements"). <p><u>The following are available on Moodle:</u></p> <p><i>For the lecture:</i></p> <ul style="list-style-type: none"> • Syllabus relating to the lecture course on extra-contractual liability: these are the same syllabuses as those available from the SVIB (syllanet); • PowerPoint / slides written in support of the lecture, communicated before each class session; • European directives and regulations that are not included in the BAC Code of the current academic year; • any case law decisions presented in the context of the lecture and practical work. <p><i>For the practical work sessions:</i></p> <ul style="list-style-type: none"> • The syllabus serving as a support for the practical work (and including the specifications); • The files of documents on the basis of which the written works must be written; • Some models of case law decisions to support students in the writing of their written work; • Any PPT materials containing elements of theory presented during the practical work sessions.
<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	DROB1BA	6	BDROI1212 AND BDROI1111 AND BDROI1218	
Bachelor in Law (French-English)	DRAB1BA	6	BDROI1212 AND BDROI1218 AND BDROI1111	