

**COURSE DATA****Data Subject**

<b>Code</b>	35838
<b>Name</b>	Transport contract regulations
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2024 - 2025

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. Period</b>
1313 - Degree in Business Management and Administration	Faculty of Economics	4 First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1313 - Degree in Business Management and Administration	25 - Legal aspects of operations and logistics	Optional

**Coordination**

<b>Name</b>	<b>Department</b>
BONETE LOPEZ, JULIA A.	70 - Mercantile Law 'Manuel Broseta Pont'

**SUMMARY**

The subject "Regulation of Contract of transport" is a four-monthly optional course with a total teaching load of 6 credits, taught in the fourth year of the Degree course Administration and Business Management.

The course aims to provide an integrated vision of land, air and sea transport law. The subject deals with the study of the aspects related to the legal status of the transport business, the most common transport contracts, freight operators and passengers by land, sea or air, and multimodal as well as other contracts related to transport and, in particular, insurance contracts.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

The study of the subject requires the student to know the statute of a commercial business and to have a basic knowledge of the general theory of obligations, contracts and commercial contracts (Commercial Law I).

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1313 - Degree in Business Management and Administration

- Demonstrate capacity for analysis and synthesis.
- Be able to analyse and search for information from different sources.
- Be able to make decisions.
- Be able to negotiate and reconcile interests effectively.
- Be able to work in a team.
- Have critical and self-critical capacity.
- Manage time effectively.
- Be able to learn autonomously.
- Be able to adapt to new situations.
- Show creativity.
- Have initiative and entrepreneurial spirit.
- Know the regulatory authorities and the basic aspects of the transport contract.

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

The learning objective of the subject of "Regulation of Contract of Transport" is for the student to attain the following basic learning outcomes:

- Know the statute and legal regime procedure for airline, maritime and land transport companies.
- Know the transport contracts for air, maritime, land and multimodal transport.
- Know contracts related to transport, especially insurance contracts for maritime, air and land transport.



## DESCRIPTION OF CONTENTS

### 1. Transport. General considerations. Types of transport. Transport contracts.

#### TRANSPORT: GENERAL CONSIDERATIONS

- 1.- Transport activity and public and private regulations.
- 2.- Types of Transport.
- 3.- Concept, characteristics and legal nature of the transport contract.
- 4.- Personal elements of the transport contract.
- 5.- Sources.
- 6.- Ethical behaviour of the carrier.

### 2. Land freight transport

#### A) CONCEPT, TYPES AND SOURCES OF THE LAND FREIGHT TRANSPORT CONTRACT.

#### B) DOMESTIC LAND FREIGHT TRANSPORT.

- 1.- Legal framework and legal regime.
- 2.- Elements.
- 3.- Documentation of the contract.
- 4.- Rights and obligations of all parties.
- 5.- Responsibility of the carrier.
- 6.- Special transport.
- 7.- Domestic freight transport by rail. Specialities.
- 8.- Transport arbitration courts

#### C) INTERNATIONAL FREIGHT TRANSPORT BY ROAD.

- 1.- Applicable regulations.
- 2.- Scope of application
- 3.- Consignment note: samples, content, review and reservations. Verification of gross weight.
- 4.- Rights and obligations of all parties.
- 5.- System of liability

#### D) INTERNATIONAL FREIGHT TRANSPORT BY RAIL

- 1.- Regulations applicable to the international rail freight contract.
- 2.- Scope of application.
- 3.- Consignment note
- 4.- Rights and obligations of all parties.
- 5.- System of liability.



### 3. Land transport of passengers.

A) CONCEPT, TYPES AND SOURCES OF THE LAND TRANSPORT CONTRACT OF PASSENGERS.

B) DOMESTIC INLAND TRANSPORT OF PASSENGERS BY ROAD

- 1.- Legal regime.
- 2.- Types.
- 3.- Subjects.
- 4.- Standard contract.
- 5.- Passenger ticket and luggage registration voucher.
- 6.- Price of transport
- 7.- Obligations and rights of all parties.
- 8.- Carrier liability system

C) DOMESTIC INLAND TRANSPORT OF PASSENGERS BY RAIL

- 1.- Legal regime.
- 2.- The ticket. Travelling without valid travel document.
- 3.- Rights and obligations of all parties.
- 4.- Carrier liability system

D) INTERNATIONAL INLAND TRANSPORT OF PASSENGERS BY ROAD

- 1.- Applicable regulations.
- 2.- Scope of application.
- 3.- Passenger ticket and luggage registration voucher.
- 4.- Rights and obligations of all parties.
- 6.- System of liability

E) INTERNATIONAL INLAND TRANSPORT OF PASSENGERS BY RAIL

- 1.- Regulations applicable.
- 2.- Scope of application.
- 3.- The ticket.
- 4.- Price of transport.
- 5.- Rights and obligations of all parties.
- 6.- System of liability

### 4. Air freight

A) DOMESTIC FREIGHT TRANSPORT BY AIR.

- 1.- Applicable regulations.
- 2.- Confirmation of contract. Carriage voucher.
- 3.- Obligations and rights of all parties.
- 4.- Carrier liability system.

B) INTERNATIONAL FREIGHT TRANSPORT BY AIR

- 1.- Applicable regulations



- 2.- Scope of application
- 3.- Air consignment note.
- 3.- Obligations and rights of all parties.
- 4.- Carrier liability system

## 5. Transport of passengers by air

### A) DOMESTIC TRANSPORT OF PASSENGERS BY AIR

- 1.- Applicable regulations.
- 2.- Ticket of passage
- 3.- Obligations and rights of all parties.
- 4.- Carrier liability system

### B) INTERNATIONAL TRANSPORT OF PASSENGERS BY AIR

- 1.- Applicable regulations.
- 2.- Scope of application.
- 3.- Obligations and rights of all parties.
- 4.- Carrier liability system.

## 6. Contract of maritime freight transport

### A) DOMESTIC FREIGHT TRANSPORT BY SEA.

- 1.- Concept and legal sources.
- 2.- Charter contract.
- 3.- Modalities of the maritime freight transport contract.
- 4.- Documentation of the contract.
- 5.- Bill of lading and other similar documents.
- 6.- Rights and obligations of all parties.
- 7.- Carrier liability system

### B) INTERNATIONAL FREIGHT TRANSPORT BY SEA.

- 1.- Applicable regime.
- 2.- Scope of application.
- 3.- Bill of lading and other similar documents.
- 4.- Rights and obligations of all parties.
- 5.- Carrier liability system.

## 7. Contract of Passage.

### A) DOMESTIC TRANSPORT OF PASSENGERS BY SEA:

- 1.- Notion and legal regime.
- 2.- Ticket of passage.
- 3.- Content of the contract: Obligations and rights of all parties.
- 4.- Carrier liability system
- 5.- Regional regulation.



B) INTERNATIONAL TRANSPORT OF PASSENGERS BY SEA:

- 1.- Applicable regulations.
- 2.- Scope of application.
- 3.- Obligations and rights of all parties.
- 4.- Carrier liability system.

**8. Successive and multimodal transport.**

A) SUCCESSIVE TRANSPORT:

- 1.- Domestic transport: legal regime, documentation, obligations of all parties and liability system.
- 2.- International transport: legal regime, documentation, obligations of all parties and liability system.

B) MULTIMODAL TRANSPORT:

- 1.- Domestic transport: legal regime, documentation, obligations of all parties and liability system.
- 2.- International transport: documentation, obligations of all parties and liability system

**9. Contracts related to transport.**

A) PURCHASE AND DELIVERY OF FREIGHT

- 1.- National buying and selling.
- 2.- International buying and selling.
- 3.- The Incoterms

B) DOCUMENTARY CREDIT.

C) TRANSPORT INSURANCE.

- 1.- Insurance contract in general.
- 2.- Damage or loss insurance.
- 3.- Personal insurance.
- 4.- Freight insurance.
- 5.- Travel insurance.

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theory classes	30,00	100
Classroom practices	30,00	100
Attendance at events and external activities	5,00	0
Development of group work	3,00	0
Development of individual work	3,00	0
Study and independent work	26,00	0
Readings supplementary material	3,00	0
Preparation of evaluation activities	6,00	0
Preparing lectures	8,00	0
Preparation of practical classes and problem	6,00	0
Resolution of case studies	7,50	0
<b>TOTAL</b>	<b>127,50</b>	

**TEACHING METHODOLOGY**

The classes support the subject matter.

- Attendance at classes, and practical activities: Face-to-face classes, case studies, resolution of exercises.
- Preparation of classes, projects and tutorials: development of flowcharts, conceptual maps, summaries. Individual and/or group presentations. Attendance at tutorials.
- Preparation of exams and evaluation tests: comprehensive reading of texts and study materials.
- Completing exams and assessment tests: expression of knowledge at both oral and written level.

**EVALUATION**

Evaluation will consist of:

1. An oral or written examination. The exam will be worth 60% of the final grade.
2. An evaluation of complementary and related activities. This part will represent 40% of the final mark. To pass the subject in the first assessment the student must pass both the continuous assessment part (applied, directed and complementary activities) and the final exam.



## REFERENCES

### Basic

- INSTITUCIONES DE DERECHO MERCANTIL VOLUMEN II .FERNANDO SANCHEZ CALERO Y JUAN SANCHEZ CALERO GUILARTE, Ed Aranzadi ,última edición.
- LECCIONES DE DERECHO MERCANTIL VOLUMEN II. VARIOS AUTORES. DEIRECTORES: AURELIO MENENDEZ Y ANGEL ROJO. Ed. CIVITAS .Ultima edición.
- MANUAL DE DERECHO MERCANTIL,VOLUMEN II.Muel Broseta y Ferndo Martínez
- CONTRATOS MERCATILES-2013-2014-Memento práctico Francis lefebvre

### Additional

- MANUAL DE DERECHO DEL TRANSPORTE, FERNADO MARTINEZ SANZ y ACHIM PUETZ.EDITORIAL MARCIAL PONS. Ultima edición
- MANUAL DE DERECHO DE LA NAVEGACIÓN MARÍTIMA, JOSE LUIS GABALDÓN GARCÍA y JOSE MARIA RUIZ SOROA. Ed. MAIAL PONS. Ultima edición.