



## IDENTIFYING DATA

### Maritime law

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |          |      |            |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------|------------|
| Subject             | Maritime law                                                                                                                                                                                                                                                                                                                                                                                                                                       |          |      |            |
| Code                | V08G081V01935                                                                                                                                                                                                                                                                                                                                                                                                                                      |          |      |            |
| Study programme     | Grado en Derecho                                                                                                                                                                                                                                                                                                                                                                                                                                   |          |      |            |
| Descriptors         | ECTS Credits                                                                                                                                                                                                                                                                                                                                                                                                                                       | Choose   | Year | Quadmester |
|                     | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Optional | 4th  | 2nd        |
| Teaching language   | Spanish                                                                                                                                                                                                                                                                                                                                                                                                                                            |          |      |            |
| Department          |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |          |      |            |
| Coordinator         | Torres Pérez, Francisco José                                                                                                                                                                                                                                                                                                                                                                                                                       |          |      |            |
| Lecturers           | Costas Martínez, María del Carmen<br>Torres Pérez, Francisco José                                                                                                                                                                                                                                                                                                                                                                                  |          |      |            |
| E-mail              | ftorres@uvigo.es                                                                                                                                                                                                                                                                                                                                                                                                                                   |          |      |            |
| Web                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |          |      |            |
| General description | <p>The purpose of this course is to achieve a general knowledge about the current maritime law.</p> <p>We start with a broad concept of maritime law. For this reason, throughout the program we find issues of public law (areas of navigation and administrative management) and private law.</p> <p>The theoretical teaching is complemented by practical and seminar work will focus on those aspects that sound generate more litigation.</p> |          |      |            |

## Training and Learning Results

|      |                                                                                                                                                                                                                                                                |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code |                                                                                                                                                                                                                                                                |
| A2   | That students know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and problem solving within their area of study. Know How |
| A3   | That students have the ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on relevant social, scientific or ethical issues. Know How Know be                                       |
| A4   | Students will be able to present information, ideas, problems and solutions both to specialist and non-specialist audiences.                                                                                                                                   |
| A5   | That students have developed those learning skills necessary to undertake further studies with a high degree of autonomy. Know be                                                                                                                              |
| B4   | To be able to identify legal problems and approach their solution in an interdisciplinary way                                                                                                                                                                  |
| C54  | CEI 7 □ To know the most relevant national regulations and international agreements pertaining to the subject.                                                                                                                                                 |
| C55  | CEI 8 □ To be able to solve problems in the field of maritime Law through analysis of jurisprudence and practical documentation.                                                                                                                               |
| D3   | Ability to make decisions independently, leadership skills, ability to engage in co-operative teamwork, interpersonal skills that are helpful in professional and social situations.                                                                           |
| D5   | To be able to solve problems and interpret data from reality with their associated meanings, and to establish links with the different branches of the juridical order.                                                                                        |

## Expected results from this subject

| Expected results from this subject                                | Training and Learning Results |    |     |    |
|-------------------------------------------------------------------|-------------------------------|----|-----|----|
| Know the main institutions of the maritime sector.                | A2                            | B4 | C54 |    |
|                                                                   | A3                            |    | C55 |    |
|                                                                   | A4                            |    |     |    |
|                                                                   | A5                            |    |     |    |
| Handle the main uniform forms existent in the maritime transport. |                               |    | C54 | D3 |
|                                                                   |                               |    | C55 | D5 |
| Handle skilled documentation of the sector.                       |                               |    | C55 | D3 |
|                                                                   |                               |    |     | D5 |

## Contents

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BLOCK I: CONCEPT AND SOURCES         | <p>LESSON 1: Sources and concept of Maritime Law</p> <p>I.- Sources</p> <p>1.- Internal legislation</p> <p>2.- International normative body</p> <p>1) Producing organisations and promoters of maritime legislation</p> <p>2) Problems of applicability of the international rule</p> <p>II.- Concept of Maritime Law</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| BLOCK II: ORGANISATION OF NAVIGATION | <p>LESSON 2: Spaces of the navigation</p> <p>I.- Introduction: the navigation in the Right of the Sea</p> <p>II.- Navigation by the different spaces</p> <p>1.- Internal waters 2.- Territorial sea 3.- International straits 4.- Contiguous zone 5.- Exclusive economic zone 6.- Continental platform 7.- Archipelagic waters 8.- High Sea.</p> <p>LESSON 3: Administrative ordenation of the navigation.</p> <p>I.- Maritime administration</p> <p>1.- Central administration 1) central Organs 2) peripheral Organs</p> <p>2.- Autonomic administration</p> <p>II.- Administrative diet of the navigation 1.- Supposed special of navigation</p> <p>2.- Scale in ports 3.- Intervention on ships</p>                                                                                                                                                                                                 |
| BLOCK III: SUBJECTS OF NAVIGATION    | <p>LESSON 4: The Shipowner</p> <p>I.- Concepts of shipowner and of owner of ship.</p> <p>II.- Legal regime of the shipowner.</p> <p>III.- Advertising of the shipowner</p> <p>1) Advertising in the merchant register 2) Advertising in the Register of companies shipowners.</p> <p>IV.- The limitation of responsibility of the shipowner.</p> <p>LESSON 5: Auxiliaries of shipowner.</p> <p>I.- Introduction</p> <p>II.- Auxiliaries and agents in earth</p> <p>1) Managing of the shipowner 2) Ship Agent of the ship 3) The forwarder</p> <p>III.- Auxiliari and agents on board</p> <p>1) Crew 2) The captain 3) Other subjects</p> <p>IV.- Brokers.</p>                                                                                                                                                                                                                                          |
| BLOCK IV: THE SHIP                   | <p>LESSON 6: The Ship</p> <p>I.- Basic concepts and juridical nature</p> <p>II.- Register and nationality of the ship.</p> <p>III.- The property of the ship: ways of acquisition of the property</p> <p>1) Introduction: ways of acquisition of personal right and of acquisition of public right 2) The contract of construction of ship 3) The contract of purchase sale of ship</p> <p>IV.- The privileged maritime credits and ship mortgages.</p> <p>LESSON 7: Contract of utilisation of the ship.</p> <p>I.- Charter parties</p> <p>1) Introduction: line tramp and line regulate 2) Modalities of charters 1.- The bareboat charter 2.- The time charter 3.- The voyage charter 4.- The VCOA 3) Modalities of contracts in regular line: the BL transport regime</p> <p>II.- The contract of transport of persons.</p> <p>III.- The Tow agreement</p> <p>IV.- Other contractual modalities</p> |

**BLOCK V: ACCIDENTS OF NAVIGATION AND MARINE INSURANCE**

LESSON 8: The accidents and extraordinary events in the navigation  
 I.- The averages  
 1) Concept and classes 2) The General Average 3) The particular average  
 II.- Collision  
 1) Legislation and concept 2) Civil Responsibility 3) The fault in collisions  
 4) Responsible subject  
 III.- Assistance and maritime rescue  
 IV.- The tow extraordinary in the sea  
 V.- The findings and maritime extractions

LESSON 9: The maritime insurance  
 I.- Introduction to the safe and to the insurance markets  
 II.- The contract of maritime insurance  
 1) Concept 2) Characteristic 3) Regulation 4) Classes 5) personal Elements  
 6) formal Elements 7) Interests ensured 8) The risk ensured 9) Duties of the parts  
 III.- The coinsurance  
 IV.- The reinsurance  
 V.- The Clubs of Protection and indemnization.  
 1) Concept 2) Origin 3) Function.

**BLOCK VI: MARITIME PROCESSES**

LESSON 10: Maritime Processes.  
 I.- Ship arrest  
 1) preventive arrest of the ship 2) the executive arrest of the ship  
 II.- The maritime arbitration  
 III.- Other procedural specialities

**Planning**

|                      | Class hours | Hours outside the classroom | Total hours |
|----------------------|-------------|-----------------------------|-------------|
| Case studies         | 13          | 15                          | 28          |
| Lecturing            | 34          | 35                          | 69          |
| Seminars             | 2           | 15                          | 17          |
| Essay questions exam | 1           | 35                          | 36          |

\*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

**Methodologies**

|              | Description                                                                                                                                                                                                                                                                                                                                                                              |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Case studies | Alternating with the theory lessons will take practical cases that they will be resolved in group in schedule of class using the documentation delivered by the educational.                                                                                                                                                                                                             |
| Lecturing    | It will present a work in group in a session of seminar to celebrate in the last part of the course<br>They will consist in an explanation of the subjects proposed (see section contained). To 2 days before of the lesson, students will have in the Fatic online Platform an scheme of the lesson that goes to explain in the session. It is important take this scheme to the class. |
| Seminars     |                                                                                                                                                                                                                                                                                                                                                                                          |

**Personalized assistance**

**Methodologies Description**

|              |                                                                                                                                      |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Lecturing    | Tutorials in hours published in the page web of the Faculty. Personalised attention during the celebration of lessons                |
| Case studies | Tutorials in hours published in the page web of the Faculty. Personalised attention during the celebration of the practices/seminars |
| Seminars     |                                                                                                                                      |

**Assessment**

|              | Description                                                                                                                                                                                                                                             | Qualification | Training and Learning Results |            |    |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------|------------|----|
| Case studies | During the course will make sessions of practical character. The assistance and active participation in the same valued, at most, with 2 points. At the end of the course will do a practical exam. The maximum note of this proof will be of 2 points. | 40            | A2<br>A3<br>A4<br>A5          | C54<br>C55 | D5 |
| Seminars     | During the course, will formulate a seminar activity in order to analyce a thematic assigned. It will be necessary to make a brief report and an oral defense.                                                                                          | 20            | A2<br>A3<br>A4<br>A5          | C54<br>C55 | D5 |

|                      |                                                                                                                                                                                      |    |                      |    |            |          |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----------------------|----|------------|----------|
| Essay questions exam | At the end of the course will do an examination on the theoretical content and, eventually, on the practices made in class. The maximum note of the examination will be of 4 points. | 40 | A2<br>A3<br>A4<br>A5 | B4 | C54<br>C55 | D3<br>D5 |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----------------------|----|------------|----------|

### Other comments on the Evaluation

- 1.- The evaluation system will be that of continuous evaluation.
- 2.- During the course, students will do practical activities and a seminar related to the subjects of the subject.
- 3.- To follow the continuous evaluation system, the student will have to attend class regularly. For these purposes, random attendance controls will be carried out and a student will be considered to have failed to comply with this requirement if he/she accumulates more than two unjustified absences.
- 4.- It will be understood that a student accepts the continuous evaluation system when he/she performs any of the scheduled tests or activities. It is not possible to waive the continuous evaluation once any of the tests or activities have been completed.
- 5.- Students who do not take advantage of the continuous assessment system will have to take a final exam, which will combine theoretical and practical questions, to which 100% of the mark will be assigned.
- 6.- For a better specification of the practical activities, we refer students to the schedule of the subject that will be available in Moovi at the beginning of the semester.
- 7.- Exam dates: They are approved by the Faculty Board and are published on the Faculty website.

### Sources of information

#### Basic Bibliography

- ARROYO, **Compendio de Derecho Marítimo. BIBLIOGRAFÍA BÁSICA**, 6ª edición, Tecnos, 2017
- GABALDÓN GARCÍA, **Compendio de Derecho Marítimo español BIBLIOGRAFÍA BÁSICA**, 1ª edic., Marcial Pons, 2016
- PULIDO BEGINES, **Curso de Derecho de la navegación marítima BIBLIOGRAFÍA BÁSICA**, 1ª edic., Tecnos, 2015

#### Complementary Bibliography

- SALINAS ADELANTADO, **Manual de Derecho marítimo BIBLIOGRAFÍA BÁSICA**, 1ª edic., Tirant Lo Blanch, 2021
- ARROYO, **Curso de Derecho Marítimo**, 3ª edición. 2015,
- ARROYO, I-RUEDA MARTÍNEZ (Drs.), **Comentarios a la Ley de Navegación Marítima**, 1ª edición. 2016,
- GABALDÓN GARCÍA - RUIZ SOROA, **Manual de Derecho de la Navegación marítima.**, 3ª edición. 2006,
- GABALDÓN GARCÍA, **Curso de Derecho Marítimo internacional**, 1ª edición. 2012,
- GONZÁLEZ LEBRERO, **Curso de Derecho de la navegación**, 1ª edición. 1998,
- Westlaw-Aranzadi. Repertorio legislación y jurisprudencia),
- <http://webs.uvigo.es/servicios/biblioteca/cdrom/frmat.htm>,
- Asociación Española de Derecho Marítimo (AEDM), [www.aedm.es](http://www.aedm.es),
- BIMCO, [www.bimco.org](http://www.bimco.org),
- CMI, [www.comitemaritime.org](http://www.comitemaritime.org),
- IMO, [www.imo.org](http://www.imo.org),
- ARROYO, I (Director), **Anuario de Derecho Marítimo**,
- MARTÍN OSANTE, J.M. (Director ejecutivo), **Revista de Derecho del Transporte**,
- Actualidad jurídica Uría Menéndez, [www.uria.com/es/revista](http://www.uria.com/es/revista),
- Blog Prof. Dr. Carlos Górriz, <https://blogs.uab.cat/dretmercantil/category/derecho-maritimo/>,
- Blog Despacho San Simón&Duch, [www.lsansimon.com/category/derecho-maritimo/](http://www.lsansimon.com/category/derecho-maritimo/),

### Recommendations

#### Subjects that are recommended to be taken simultaneously

Commercial law 2/V08G081V01702

#### Subjects that it is recommended to have taken before

Commercial law 1/V08G081V01502