UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Tort Law

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Tort Law (02326)

5. Scientific Area

6. Curricular Year

3rd

7. Type of Curricular Unit / Semester

1st Semester

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8. Class type and workload (work time)

Theoretical classes:	30,00
Practical classes:	15,00
Theoretical-Practical Classes	
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutor JOSE ALBERTO RODRÍGUEZ LORENZO GONZÁLEZ

12. Assistants

Drª ROSA MARIA VALENTIM BARBOSA BENSIMON, Dr. GONÇALO SARAIVA DUARTE REDONDO

13. Teaching Language

Portuguese

14. General Objectives

A. Attitudes
- Critical spirit
- Knowledge based on study, reflection and valuation

B. Capabilities
- Investigate and collect information
- Carry out projects
- Develop evaluation and decision-making skill
- Use legal language
- Acquire practical training based on correlative theoretical frameworks

C. Knowledge
- Understand the concept of civil liability
- Understand the importance and necessity of the Law of Responsability

15. Specific Objectives

- Understand the concepts of obligation, breach of obligation and their legal rules
- Understand the types of torts or of liability
- Know the role of civil responsibility
- Know the assumptions of the different types of civil responsibility
- Understand the basic legal regime to which civil responsibility is subject
- Understand the typical connection between obligation and responsibility

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- Know the classes of damage capable of generating responsibility

16. Skills to be acquired

- Recognize the role of the Law of Responsibility in the scientific formation of the jurist
- Know how to investigate and collect information
- Know how to carry out project work
- Know how to consult, interpret and use legal diplomas
- Know how to apply acquired knowledge to new situations

17. Teaching Methodology

- Resolution of concrete cases (case method)
- Analysis of legislation and case law
- Participation in debates and conferences
- Simulation of current life situations

18. Course Unit Program

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1. Initial considerations
2. Types of civil liability
3. Obligation to indemnify
3.1. Damage species.
In particular:
a) wrongful birth, wrongful life and wrongful death
b) purely economic loss
c) loss of chance
d) punitive damages
3.2. Ownership of the right to compensation
3.3. Person oblige to compensate
3.3.1. Authorship, co-authorship and concurrent authorship
3.3.2. Participation
3.4. Nature of the obligation to indemnify
4. Assumptions of subjective civil liability for unlawful acts
4.1. Harmful conduct
4.1.1. Malice and negligence
4.1.1.1. Negligence - determination of the duty of care
4.1.2. Causality
4.1.2.1. Causality and fault of the injured party
4.2. Unlawfulness
4.2.1. In particular, the unlawfulness of contractual liability
4.2.2. Disclaimer
4.2.2.1. Supralegal justification grounds
4.2.2.2. Self defense
4.2.2.3. Direct action
4.2.2.4. State of need
4.2.2.5. Consent of the injured party
4.3. Culpability
4.3.1. Liability
4.3.2. Awareness of illegality
4.3.3. Objectionability
4.3.4. Chargeability
4.3.4.1. (Excusing) state of necessity
4.3.4.2. Error about the occurrence of a justification cause
5. Objective civil liability models
5.1. Customer's responsibility
5.2. Non-contractual liability of the State
5.3. Damage caused by acts of legal representatives or assistants
5.4. Damage caused by land vehicles
5.5. Damage caused by electricity or gas installations
5.6. Damage caused by animals
5.7. Producer liability

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5.7.1. Description of the regime
5.7.2. Legal nature
5.8. Responsibility of the owner of harmful installations
5.9. Excavations

19. Assessment Methods

he evaluation instruments will be determined or to be determined in the Evaluation Regulation of Universidade Lusíada

20. Didactic Resources

- www.academia.edu (ppt classes and case studies)
- moodle
- Codes and other legislation
- Compilations of legislation and case law

21. Sustainability Objectives

General
1 - Ensure equal access to education.
2 - Substantially increase the number of young people and adults with relevant qualifications.
3 - Ensure equal opportunities in university education.
4 - Promoting the gradual dematerialization of the teaching/learning process.
Specific
1 - Promote the rule of law.
2 - Contribute to responsible decision-making.

22. Keywords

Civil responsability
Law of obligations
Contractual and non-contractual responsibility

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23. Main Bibliography

Author(s):	González, José		
Title:	Direito da Responsabilidade Civil		
Edition:	1ª	Year:	2017
Local:	Lisboa		
Publisher:	Quid Juris		

Author(s):	González, José		
Title:	Código Civil Anotado, vol. II		
Edition:	1ª	Year:	2012
Local:	Lisboa		
Publisher:	Quid Juris		

Author(s):	Ana Mafalda Castanheira Neves de Miranda Barbosa		
Title:	Lições de Responsabilidade Civil		
Edition:	1ª	Year:	2017
Local:	Cascais		
Publisher:	Principia		

24. Complementary Bibliography

Author(s):	Menezes Leitão, L.		
Title:	Direito das Obrigações, vol. I		
Edition:	Reimp. 2022	Year:	2022
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Pessoa Jorge		
Title:	Ensaio sobre os pressupostos da responsabilidade civil		
Edition:	1ª	Year:	1995
Local:	Coimbra		
Publisher:	Almedina		

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Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'DIREITO DA RESPONSABILIDADE': Academic Year 2023/2024
Autor / Author	Prof. Doutor JOSE ALBERTO RODRÍGUEZ LORENZO GONZÁLEZ
Classificação / Classification	-
Descritores / Descriptors	-
Colaborador(es) / Colaborator(s)	-
Data Hora / Date Time	
Formato de dados / Data Format	Texto / Text, PDF
Estatuto de utilização / Usage	Acesso público / Public Access
Relação / Relation	Version 2,0

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11. Regent

Prof. Doutora ANA MARIA CORREIA RODRIGUES PRATA

12. Assistants

Prof. Doutor MIGUEL CARLOS DE BARROS E CUNHA PEREIRA COUTINHO

13. Teaching Language

Portuguese

14. General Objectives

Pursuing the work of acquiring and consolidating competences in the field of private law, namely studying the regime of civil liability, whether extra-obligatory or obligatory.

15. Specific Objectives

- Understand the concepts of obligation, breach of obligation and their legal rules
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1. Civil liability: evolution and teleology. Cumulative or alternative remedies.
2. Extra-contractual and contractual liability.
3. Subjective and objective responsibility.
4. Assumptions of criminal responsibility. Voluntary act of the agent.
5. Unlawfulness. Modalities: violation of subjective right and its nature; violation of a legal rule protecting the interests of others.
6. Autonomized anti-legal conduct.
7. Reasons for justification.
8. Guilt.
9. The liability of the agent; presumptions of its absence.
10. Types of guilt.
11. Causes of Excuse.
12. Degree of culpability and its relevance.
13. Burden of Proof and Presumptions of Guilt.
14. Damage: modalities
15. Causal link between fact and damage.
16. Virtual cause: notion and relevance.
17. Indemnification; link to the liability function (reference to punitive damages). Calculation of pecuniary damages.
18. Ownership of the right to compensation.
19. Prescription of the right to compensation.
20. Strict Liability. Evolution and current situation.
21. Liability of the principal.
22. Accidents caused by vehicles.
23. Fulfillment of obligations: good faith and punctuality.
23. a) Requirements: debtor and creditor capacity; debtor's legitimacy; legitimacy to comply; assistants and substitutes.
23. b) Fulfillment by a third party.
23. c) Legitimacy to receive compliance. Liberatory compliance to a third party.
24. Place of greeting.
25. Term of Compliance. Interpellation: notion and modalities. Benefit of the term and its relevance.
26. Non-compliance: modalities.
27. Non-attributable impossibility of compliance. Distinction between impossibility and difficultas praestandi.
28. Permanent and temporary impossibilities; full and partial.
29. Effects of non-attributable definitive impossibility. Provision risk.
30. Attributable non-compliance: contractual liability.
30. a) Unlawfulness. Reasons justifying the obligatory illicit act.
30. b) Guilt: assessment and burden of proof.
30. c) Positive damages and negative damages.
30. d) Liability of the debtor for acts of representatives and assistants.
31. Liability conventions: liability exclusion and limitation clauses; penal clause.

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32. Debtor's default.
33. Creditor's arrears.
34. Forced performance of the obligation.
35. Compulsory pecuniary penalty.
36. Pre-contractual liability, in particular damage and qualification.

19. Assessment Methods

he evaluation instruments will be determined or to be determined in the Evaluation Regulation of Universidade Lusíada

20. Didactic Resources

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23. Main Bibliography

Author(s):	João de Matos Antunes Varela		
Title:	Das Obrigações em Geral, Volume II		
Edition:	7.ª - Reimp.	Year:	2022
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Inocêncio Galvão Telles		
Title:	Direito das Obrigações		
Edition:	7ª. - Reimp.	Year:	2010
Local:	Coimbra		
Publisher:	Coimbra Editora		

Author(s):	Mário Júlio de Almeida Costa		
Title:	Direito das Obrigações		
Edition:	12.ª - Reimp.	Year:	2009
Local:	Coimbra		
Publisher:	Almedina		

24. Complementary Bibliography

Author(s):	Ana Prata		
Title:	Cláusulas de exclusão e de limitação da responsabilidade contratual (Regime geral)		
Edition:	Reimp.	Year:	2020
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Ana Prata		
Title:	Notas sobre responsabilidade pré-contratual		
Edition:	Reimp.	Year:	2020
Local:	Coimbra		
Publisher:	Almedina		

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Estatuto de utilização / Usage	Acesso público / Public Access
Relação / Relation	Version 1,0

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