



Civil Recruitment  
and Commercial  
Contracting  
Master in Business  
Administration (MBA)  
2020/2021



UNIVERSIDAD  
NEBRIJA

## TEACHING GUIDE

**Subject:** Civil Recruitment and Commercial Contracting

**Title:** Master in Business Administration (MBA)

**Academic Course:** 2020-2021

**Character:** Optional

**Language:** Spanish/English

**Modality:** Face-to-face/Blended/Distance

**Credits:** 6 ECTS

**Semester:** 2º

**Teachers/Teaching Team:** Prof<sup>a</sup>. Mrs. Paola Rodas Paredes PhD / Prof. Mr. José Luis Pérez Martínez PhD

### 1. COMPETENCES AND LEARNING OUTCOMES

#### 1.1. Competences

##### Basic Skills

**CB7.** That students know how to apply the knowledge acquired and their ability to solve problems in new or little-known environments within broader (or multidisciplinary) contexts related to their area of study.

**CB8.** That students are able to integrate knowledge and face the complexity of formulating judgments based on information that, being incomplete or limited, includes reflections on the social and ethical responsibilities linked to the application of their knowledge and judgments.

**CB9.** That students know how to communicate their conclusions and the knowledge and ultimate reasons that support them to specialized and non-specialized audiences in a clear and unambiguous way.

**CB10.** That students possess the learning skills that allow them to continue studying in a way that will be largely self-directed or autonomous.

##### General Skills

**CG2.** The student must be able to systematically understand relevant company information, its context and how to apply it to complex situations, taking into account how it affects other departments.

**CG3.** The student must master business information analysis techniques.

**CG5.** The student must be able to communicate, in a business environment, correctly both orally and in writing, using the most current technology.

##### Specific Skills

**CE1.** Understand and handle new concepts in the area of human resources for the exercise and supervision of the management of teams and people.

**CG10.** The student must be able to add value to the company through their creativity and participation.

#### 1.2. Learning Outcomes

- Study and know the commercial and civil contractual typology

- Understand transportation, commission, franchise, leasing, factoring contracts.
- Understand the typology of civil contracts; the swap, the civil sale, the mandate contract. Urban Leases
- Know and understand the contracts of: loan, deposit agreement, guarantee, banking, service, collaboration, distribution, insurance, transportation, damage insurance.

## 2. CONTENTS

### 2.1. Previous requirements

None.

### 2.2. Description of the contents

#### ITEM 1. THE FORMATION OF THE CONTRACT

- I. PRELIMINARY TREATMENTS AND PRECONTRACTUAL LIABILITY.
- II. FORMATION OF THE CONTRACT BY OFFER AND ACCEPTANCE. FORMATION OF THE CONTRACT BY AUCTION AND COMPETITION.
- III. CONTRACTING BETWEEN DISTANT PEOPLE. ELECTRONIC CONTRACTS.
- IV. THE PRECONTRACT. THE RIGHT OF OPTION.
- V. THE GENERAL CONDITIONS OF THE CONTRACT.
- SAW. CONSUMER CONTRACTING

#### ITEM 2. THE INTERPRETATION, INTEGRATION AND EFFECTIVENESS OF THE CONTRACT

- I. THE INTERPRETATION OF THE CONTRACT.
- II. THE INTEGRATION OF THE CONTRACT.
- III. THE MODIFICATION OF THE CONTRACT.
- IV. EFFECTIVENESS OF THE CONTRACT.
- V. INEFFICIENCY AND INVALIDITY.

#### ITEM 3. THE PURCHASE AGREEMENT.

- I. THE PURCHASE.
- II. FORM AND PERFECTION OF THE CONTRACT.
- III. PROPERTY TRANSMISSION.
- IV. OBLIGATIONS OF THE SELLER ..
- V. OBLIGATIONS OF THE BUYER.
- SAW. BREACH OF CONTRACT.
- VII. SALE OF SAME THING TO DIFFERENT BUYERS.
- VIII. SPECIAL ASSUMPTIONS
- IX. EXTINCTION.

#### ITEM 4. SPECIAL PURCHASES AND INTERNATIONAL PURCHASE.

- I. SPECIAL PURCHASES IN THE COMMERCIAL CODE ..
- II. SALES REGULATED IN THE LAW OF ORDINATION OF RETAIL TRADE.
- III. PURCHASE OF TIMES OF MOVABLE PROPERTY.
- IV. CONTRACTS RELATED TO THE PURCHASE.
- V. INTERNATIONAL PURCHASE OF GOODS.
- SAW. BRIEF REFERENCE TO THE STOCK PURCHASE.

#### ITEM 5. THE DONATION.

#### ITEM 6. THE LEASE CONTRACT.

- I. URBAN LEASES SUBJECT TO LAU 1994.
  - II. URBAN LEASES BEFORE THE ENTRY INTO FORCE OF LAU DE 1994.
  - III. A PROCEDURAL APPEAL IN ARRENDATICS: THE DESAHUCIO
- #### ITEM 7. THE WORK CONTRACT.

#### ITEM 8. THE LOAN AND DEPOSIT CONTRACTS

- I. THE LOAN CONTRACTS.
- II. THE MUTUAL OR SIMPLE LOAN ..
- III. THE COMODATO.
- IV. THE DEPOSIT.

ITEM 9. THE WARRANTY CONTRACTS.

- I. THE WARRANTY OF THE OBLIGATIONS.
- II. THE PERSONAL GUARANTEES. BAIL.
- III. OTHER PERSONAL WARRANTIES AND RELATED FIGURES.
- IV. REAL WARRANTIES

UNIT 10. BANK CONTRACTS.

- I. THE CATEGORY "BANK CONTRACTS".
- II. THE REGULATORY SOURCES OF THE BANK RECRUITMENT.
- III. THE SUBJECTS IN BANKING CONTRACTS.
- IV. CONTENTS OBJECTIVE OF THE CONTRACTUAL GROUP
- V. INTERESTS AND COMMISSIONS.
- SAW. THE REMOTE CONTRACT OF FINANCIAL SERVICES.
- VII. THE BANK SECRET

ITEM 11. CONTRACTS OF SERVICES AND COLLABORATION

- I. THE SERVICES CONTRACT.
- II. COLLABORATION CONTRACTS.

ITEM 12. DISTRIBUTION CONTRACTS.

- I. THE AGENCY AGREEMENT.
- II. THE CONTRACT OF CONCESSION OR DISTRIBUTION.
- III. THE FRANCHISE AGREEMENT.
- IV. CONTRACTS OF DISTRIBUTION AND DEFENSE OF COMPETITION.

ITEM 13. THE TRANSPORT CONTRACT.

- I. GENERAL ASPECTS.
- II. THE TERRESTRIAL TRANSPORT CONTRACT OF THINGS ..
- III. THE TERRESTRIAL CONTRACT OF PERSONS

ITEM 14. THE INSURANCE CONTRACT.

- INTRODUCTION..
- II. CONCEPT AND CLASSES OF THE INSURANCE CONTRACT.
- III. PERSONAL ELEMENTS.
- IV. TRAINING AND DOCUMENTS OF THE CONTRACT.
- V. CONTENT OF THE CONTRACT.
- SAW. DURATION OF THE CONTRACT, PERFORMANCE AND COMPETITION JUDGE

ITEM 15. DAMAGE INSURANCE AND INSURANCE OF PERSONS.

- I. THE INSURANCE CONTRACT AGAINST DAMAGES.
- II. FIRE INSURANCE.
- III. THE INSURANCE AGAINST THEFT.
- IV. LAND TRANSPORT INSURANCE.
- V. THE INSURANCE OF LOST PROFITS.
- SAW. CAUTION INSURANCE.
- VII. CREDIT INSURANCE
- VIII. LIABILITY INSURANCE.
- IX. LEGAL DEFENSE INSURANCE
- X. REINSURANCE.
- XI. LIFE INSURANCE

### 2.3. Teaching methodologies

During the course, activities, practices, reports or projects may be developed in which students show examples of application of the methods and techniques developed in the subject.

## 2.4. Formation Activity:

<b>Formation Activity</b>		
Modality Face-to-face:		
Formation Activity	Hours	Percentage of presence AF
AF1	35	100%
AF2	10	100%
AF3	10	25%
AF4	50	0%
AF5	35	0%
AF6	10	100%
Modality Blended:		
Formation Activity	Hours	Percentage of presence AF
AF1	35	0%
AF2	10	0%
AF3	30	25%
AF4	30	0%
AF5	35	0%
AF6	10	50%
Modality Distance:		
Formation Activity	Hours	Percentage of presence AF
AF1	35	0%
AF2	20	0%
AF3	20	0%
AF4	60	0%
AF5	5	0%
AF6	10	20%

### Teaching methodologies:

**Modality Face-to-face:** MD1; MD2; MD3; MD4

**Modality Blended:** MD1; MD2; MD3; MD4

**Modality Distance:** MD1; MD2; MD3; MD4

<b>TEACHING METHODOLOGIES OF THE PROPOSED TITLE</b>	
Code	Teaching Methodologies
MD1	Case Method
MD2	Cooperative Learning
MD3	Problem Based Learning (PBL)
MD4	Master class

### 3. EVALUATION SYSTEM

#### 3.1. Grading system

The final grading system will be expressed numerically as follows:

- 0 - 4.9 Fail (SS)
- 5.0 - 6.9 Pass (AP)
- 7.0 - 8.9 Notable (NT)
- 9.0 - 10 Excellent (SB)

The mention of "academic honors" may be awarded to students who have obtained a grade equal to or greater than 9.0.

#### 3.2. Evaluation criteria

Code	Evaluation System	Description
SE1	Development in individual work	Student performance in individual work in solving exercises or cases
SE2	Development in group work	Student performance in group work in solving exercises or cases
SE3	Final face-to-face test/exam	Face-to-face final test/exam

Modality Face-to-face:

To successfully pass any subject / subject, the student must pass the final exam in person. That is, in the final exam, a grade equal to or greater than 5 on a scale of 0-10 must be achieved, with 0 being the minimum grade and 10 the maximum.

##### Ordinary Call

Evaluation System	Minimum weight %	Maximum weight máxima %
SE1	25	25
SE2	25	25
SE3	50	50

##### Extraordinary Call

Evaluation System	Minimum weight %	Maximum weight máxima %
SE1	50	50
SE2	0	0
SE3	50	50

Modality Blended:

##### Ordinary Call

Evaluation System	Minimum weight %	Maximum weight máxima %
SE1	05	05
SE2	45	45
SE3	50	50

##### Extraordinary Call

Evaluation System	Minimum weight %	Maximum weight máxima %
SE1	50	50
SE2	0	0
SE3	50	50

Modality Distance:

##### Ordinary Call

Evaluation System	Minimum weight %	Maximum weight máxima %
SE1	40	40
SE2	10	10
SE3	50	50

#### Extraordinary Call

Evaluation System	Minimum weight %	Maximum weight máxima %
SE1	50	50
SE2	0	0
SE3	50	50

In any case, passing any subject, without exception, for the three modalities is subject to passing the corresponding final face-to-face test/exams.

### **3.3. Restrictions**

#### Minimum qualification

To successfully pass any subject, the student must pass the final exam in person. That is, in the final exam/test, a grade equal to or greater than 5 on a scale of 0-10 must be achieved, with 0 being the minimum grade and 10 the maximum.

#### Assistance

The student who, unjustifiably, fails to attend more than 25% of the face-to-face classes may be deprived of the right to take the exam in the ordinary call.

#### Writing rules

Special attention will be paid in the written assignments, practices and projects, as well as in the exams/test both the presentation and the content, taking care of the grammatical and spelling aspects. Failure to comply with the acceptable minimums may result in points being deducted in said work.

### **3.4. Plagiarism warning**

The Antonio de Nebrija University does not tolerate plagiarism or copying under any circumstances. Plagiarism is considered the reproduction of paragraphs from texts of authorship different from that of the student (Internet, books, articles, work of colleagues ...), when the original source from which they come is not cited. The use of quotes cannot be indiscriminate. Plagiarism is a crime.

If this type of practice is detected, it will be considered a Serious Misconduct and the sanction provided for in the Student Regulations may be applied.

## **4. BIBLIOGRAFY**

#### Basic Bibliography

- Sistema de Derecho Civil I, II, III y IV Ed. Tecnos (Díez-Picazo y Gullón)
- Fundamentos del Derecho Civil Patrimonial I, II y III, Ed. Civitas (Díez-Picazo)
- El Negocio Jurídico, Ed. Civitas (De Castro); Instituciones de Derecho Privado, Ed. Thomson-Aranzadi – Consejo General del Notariado.
- Lecciones de Derecho Mercantil, (A.Menéndez), Civitas.
- Instituciones de Derecho Mercantil (Sánchez Calero), Tecnos.