COURSE DATA

DATA SUBJECT

Code: 43178
Name: Methods of payment and guarantees
Cycle: Master's Degree
ECTS Credits: 5
Academic year: 2026-27

STUDY (S)

Degree	Center	Acad. year	Period
2128 - Master's Degree in Corporate Law. Trade, Labour and Tax Consultancy	Facultat de Dret	1	Second quarter, First quarter
2901 - Double Master's Degree Programme in Law and Procurement-Corporate Law Comme	Facultat de Dret	2	Second quarter, First quarter

SUBJECT-MATTER

Degree	Subject-matter	Character
2128 - Master's Degree in Corporate Law. Trade, Labour and Tax Consultancy	Methods of payment and guarantees	ELECTIVES
2901 - Double Master's Degree Programme in Law and Procurement-Corporate Law Comme	Specialty in Trade Consultancy	ELECTIVES

COORDINATION

HERNANDO CEBRIA LUIS

GONZALEZ PONS ELISABET DOLORS

SUMMARY

The general theory of payment of obligations and the legal regime of its verification in invoices and other commercial documentation are studied, as well as the legal regime of securities and documentary credits, covering the guarantee means of payment.

PREVIOUS KNOWLEDGE

RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE

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

OTHER REQUIREMENTS

Those of the Bachelor's Degree or DEgree in Law in the areas and subjects that make up the subject, or, if not, those of the Bachelor's Degree in Business Studies, supplemented, if applicable, with general legal notions on payment methods and guarantees.

COMPETENCES / LEARNING OUTCOMES

2128 - Master's Degree in Corporate Law. Trade, Labour and Tax Consultancy

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

Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.

Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.

Proyectar sobre problemas concretos sus conocimientos y saber resumir y extractar los argumentos y las conclusiones más relevantes para su resolución.

Saber planificar y ordenar jurídicamente la actividad de la empresa para anticiparte a los posibles problemas y contar de antemano con estrategias de solución de los mismos.

DESCRIPTION OF CONTENTS

1. General payment theory

2. Billing and complementary commercial documentation

2. Securities: securitization of assets

3. Documentary credits

4. Payment guarantees

WORKLOAD

PRESENCIAL ACTIVITIES

Activity	Hours
Tutorials	5,00
Theory	35,00
Seminar	10,00
Total hours	**50,00**

NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	0,00
Individual or group project	30,00
Independent study and work	0,00
Preparation of lessons	0,00
Preparation for assessment activities	35,00
Resolution of case studies	0,00
Total hours	**65,00**

TEACHING METHODOLOGY

MD1 – Training tasks of the teaching-learning process prior to classroom interaction.

MD2 – Training tasks of the teaching-learning process in the classroom interaction process.

MD1 – Training tasks of the teaching-learning process prior to classroom interaction.

Firstly, the teaching methodology must be suitable for focusing, from the beginning, on the problem to be addressed, presenting its different facets, which will be developed by each discipline involved. To do this, in each subject, the teachers who start it must explain the problematic cores that are going to be addressed in it, as well as – in the case of legal subjects – the values and normative purposes pursued by the system when regulating and trying to resolve said problems. It is inconceivable that a teaching-learning process of Law should avoid, under the guise of mere legal technique, the treatment of the values that inspire the legal system, the social needs that it must resolve and the criteria on which it bases the solutions it adopts. For

this reason, from the very beginning, the professor has the role of revealing and explaining these dimensions in advance. In a word, what operational pedagogy summarises as "presentation of the subject matter" and of the values that shape and explain it.

Secondly, in relation to the above, due to the theoretical-practical content of most of the subjects, and due to the legal knowledge that the Master's students already have, master lectures that place them within the framework of the legal system, which they already know, are not advisable. For this reason – as described in each subject – only a small part of the weekly class hours can be called theoretical. Its content, however, cannot be limited to an abstract presentation of the legal system, but rather to highlighting and presenting its relevant rules and its application criteria for the problems to be addressed. Therefore, it must focus on establishing certain key legal categories or institutions for the resolution of the problems addressed in that subject; at the same time it can serve as a reminder to students or as an introduction to those who were trained in legal systems other than the Spanish one. The bulk of the teaching in the classroom, however, is covered by the debate of materials and by the resolution of cases and assumptions previously provided to the student. Hence, the teaching methodology has as a central aspect the selection by the teacher of the most suitable materials for the preparation of the debates and the selection and resolution of the most representative problems, without prejudice to the fact that, on occasions, part of the learning consists of the students themselves having to make that selection, but limited by the teachers from among the huge variety of resources and sources available. Thirdly, in order to prepare these debates and problem-solving, teamwork by students also becomes a training tool, allowing them to consolidate transversal skills of the degree and assume a work dynamic that they will surely find in their subsequent activities. The distribution and assignment of tasks among the members of the group, the contribution of each member, their debate and discussion within the group, their coupling to different groups throughout the Master's degree and the conjunction of all this for their orderly presentation or their joint treatment to solve the problems are skills that are sought to be developed throughout their stage as Master's students.

Fourthly, and transversally to all subjects - in addition to the specific complementary ones - they must also reinforce their capacity for the use of new technologies, so that both in the offer and selection of materials and in their use and presentation of the results achieved, the use of instruments such as the virtual classroom, the management of databases, electronic consultations, the presentation of panels or slides, etc. is encouraged.

MD2 – Training tasks of the teaching-learning process in the classroom interaction process

In line with the focus of the Curriculum, the teaching methodology must be aimed at placing them in a position to discover and progress in solving the problems posed by themselves. To do so, it is essential to imbue them with rigor in reasoning, clarity in the separation of different aspects, so that they do not make logical leaps or "prejudices" about the content or interpretation of the relevant rules, and, ultimately, so that they are capable of reaching and offering their own solution through adequate technical-legal reasoning and values and principles. In an environment as changing as the regulatory framework of the company and its activity, "learned" solutions can be of little value, and emphasis must be placed on their ability to extract by themselves, at any given time, from each regulatory framework in force, and for each specific problem posed, the most advisable solutions, even with the margin of debate or even uncertainty that the legal

system often presents, and which leads to disparate solutions depending on the legal operators or the position they occupy as law enforcers. For this reason, the evaluation system, especially in the first three subjects, is built on the original contribution of each student in the memory that they have to defend and in the treatment of the problems that they themselves have raised, instead of limiting itself to checking whether they have acquired limited knowledge "transmitted" by the teachers.

Therefore, classroom debate on the materials and problems previously provided by the teacher and worked on by the students becomes the core of the teaching-learning process, although, obviously, it contributes little without the fulfillment of the previous tasks outlined. The role of the teacher in these debates must be that of true moderator, and not that of a mere spectator who attends the presentation of positions or opinions by the students. He must strive to focus on the different aspects of the debate and to organize it; to refine the reasoning that they present, either to extract all their conclusions from them, or to show that they do not lead to acceptable solutions within the framework of the order; to highlight the consequences that they did not notice of the solutions they propose; and, finally, to recapitulate and close the debate with acceptable collective conclusions, avoiding leaving open questions that could convey the impression that "everything is debatable." Although it is true that the rules are sometimes susceptible to different interpretations, the legal system is a framework of binding precepts, with clear limits on what is not admissible.

Finally, without falling into the case method, which does not correspond to our legal system, which is codified and has very developed and precise normative bodies for the different legal areas, the discussion of problems cannot ignore, where appropriate, the jurisprudential background and the solutions given by advisory bodies, so the debate and the solutions in the classroom must address the whole legal phenomenon, integrating, together with the rules, legal experience, the external effects of said rules and their impact on the specific situation in which the legal system must be applied and for which the specialized professional is asked for advice. Therefore, the complementarity of the various legal aspects of a problem cannot be ignored by focusing on one main aspect and without knowing the consequences that it may have in other dimensions, when, in reality, practically all the decisions and options of a company must take into account these various legal aspects and their consequences. Therefore, the problems themselves and, above all, their approach and solutions, must be built on the basis of this plurality of aspects, imbuing students with the need for comprehensive advice that does not neglect any of them.

EVALUATION

SE1 - Attendance at classes is an essential requirement for being assessed, with a minimum of 80% of sessions required. Below this minimum, and unless there are justified reasons, the student will not be assessed, appearing in the minutes as not present.

SE3 -Separate assessment through continuous assessment and specific tests for solving cases or reports, distribu advance and to be defended on the day of the assessment.
SE4 – Continuous assessment, without prejudice to the fact that tests, exercises or resolution of specific question be required throughout the sessions.

The assessment will be carried out jointly for the subjects comprising each of them through continuous assessment and a final assessment test. A minimum pass mark in the final test will be required to pass the subjects of the module.

The student's participation in the teaching activities carried out in class will be a requirement for being assessed, with a minimum attendance of 80%.

Continuous assessment will allow students to obtain up to three points of the final grade for the module, and must be made up of at least three tests or activities that allow for subsequent verification and which will be specified by the coordinator of the specialty according to the weight of each subject in the module as a whole. Along with these, other tasks may be specified, both in class and to be carried out by the student outside of class, which may contribute to said continuous assessment.

The final test, which will be worth up to seven points, will consist of completing a report in class on a case provided with sufficient advance notice. In the test, students will be asked to answer a maximum of five questions in relation to it. At the discretion of the specialty coordinator, the case may be unique for all subjects or broken down into several cases on the different subjects of the specialty. Only normative texts and printed material will be allowed.

REFERENCES

- Bibliografía complementaria o de referencia: Dados los incvesantes cambios normativos, se

facilitará al inicio de cada materia. Lecturas: artículos y monografías que tratan específicamente alguno de los aspectos incluidos en el tema. Su lectura permitirá al alumno tener una visión mucho más amplia y rica de los contenidos de la materia expuestos en clase o abordados en la bibliografía básica. Tienen por objeto completar la información de los textos de la bibliografía básica, ampliando los aspectos más relevantes y ofreciendo, al mismo tiempo, una visión actualizada de los temas en la medida en que los mismos lo requieran. Casos prácticos: proporcionan al estudiante la posibilidad de ejercitar su capacidad de análisis y decisión sobre situaciones reales que pueda plantear el material facilitado, aplicando los conocimientos teóricos que haya adquirido. Resoluciones judiciales o de órganos administrativos: reflejan los criterios con los que los Tribunales o la Administración aplican la normativa jurídica.

- - Fernández de la Gándara: Derecho Mercantil internacional: Estudios sobre Derecho comunitario y del comercio internacional, Alfonso Luis Calvo Caravaca, Tecnos, última edición. - Vicent Chuliá, Francisco: Introducción al derecho mercantil, Tirant Lo Blanch, última edición - Yzquierdo Tolsada: Contratos: civiles, mercantiles, públicos, laborales e internacionales, con sus implicaciones tributarias, coord. por Mariano, José Manuel Almudí Cid, Miguel Ángel Martínez Lago,Aranzadi, 2014. - Morán García :Derecho de los mercados financieros internacionales, Tirant lo Blanch, última edición. - Zunzunegui Pastor: Derecho del mercado financiero, Marcial Pons, Ediciones Jurídicas y Sociales, última edición. - Valpuesta Gastaminza: Contratos Mercantiles: Tomo III. Contratos bancarios, del mercado de valores y de seguro. Editorial Bosch, última edición.