

Teaching guide

IDENTIFICATION DETAILS

Degree:	Law		
Field of Knowledge:	Social and Legal Science		
Faculty/School:	Legal and Business Science		
Course:	INTERNATIONAL CONTRACTS		
Type:	Compulsory	ECTS credits:	3
Year:	3	Code:	7230
Teaching period:	Fifth semester		
Area:	Commercial Law		
Module:	Private Law		
Teaching type:	Classroom-based		
Language:	Castellano		
Total number of student study hours:	75		

Teaching staff	E-mail
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SUBJECT DESCRIPTION

This subject aims to provide the students with a global perspective of the international contractual law taking account of the main differences between the legal systems. Beginning with an overview of the general contractual theory, we finally analyse some international contracts.

Globalization affects not only the contractual matter but legal systems as a whole. The students will learn about the different legal systems. This subject is based on three fundamental topics: general contractual theory, international contractual principles (UNIDROIT) and some particular contracts.

GOAL

To understand, know and apply the fundamentals and principles of international contractual law from an ethical point of view.

PRIOR KNOWLEDGE

It is highly recommended that students have passed and have clear conceptions on the following subjects: General theory of obligations and contracts and civil and commercial contractual law.

COURSE SYLLABUS

I.GENERAL PART

A)Introduction

a)Conceptual and functional framework of international contracts

b)National contracts v. international contracts. Specific problems of international contracts

- 1.A comparative approach to the law of contracts: western legal systems (common law and civil law) and non-western legal systems
- 2.International jurisdiction and applicable law

c)Sources of regulation of international contracts

1.Statutory sources ("hard law"): international, European (EU) and national rules

2.Non Statutory sources ("soft law")

2.1.Types and efficacy

2.2.In particular, UNIDROIT Principles (2010) on international commercial contracts

2.2.1. The balance regarding the object according to the "Escuela de Salamanca" and its implementation to international contracts

B)Analysis of the main legal instruments governing international contracts

a)Regulation Brussels I Bis (or Recast): international jurisdiction (in particular, article 7.1)

b)Regulation Rome I on the law applicable to contractual obligations and the rules determining the law applicable to international contracts.

II.SPECIAL PART: ANALYSIS OF THE MAIN INTERNATIONAL CONTRACTS

A)Sales of goods

a)Vienna Convention

1.Scope of application

2.Legal regime applicable to the sale

b) INCOTERMS (2010)

1.Concept, nature and efficacy

2.Specific analysis of each Incoterm: meaning and legal regime

B)Carriage of goods

C)International payment methods

D) Payment methods, International guarantees and another contracts.

EDUCATION ACTIVITIES

METHODOLOGY/ACTIVITIES

Theoretical lectures are combined with practical activities that help the student to approach the international

contractual environment.

Methodologically, the learning-process are based on two main activities, classroom-based activity and out-of-classroom activity, detailed as follows:

CLASSROOM-BASED ACTIVITY:

- Theoretical classes. Explanation of contents made by the Professor with the participation of the students that will comment the recommended readings.
- Learning based on problems-resolution.
- Group or individual work.
- Individual tutorial: Personal attention to student in order to both check and discuss the topics presented during the lectures and to solve doubts.
- Group tutorial: Supervision of the development and orientation of students' team-works.
- Evaluation: Assessment during the semester.

OUT-OF-CLASS ACTIVITIES:

- Preparation of tasks and activities proposed by the professor.
- Theoretical and practical study: Study of theoretical and practical contents of this subject.

DISTRIBUTION OF WORK TIME

CLASSROOM-BASED ACTIVITY	INDEPENDENT STUDY/OUT-OF-CLASSROOM ACTIVITY
30 hours	45 hours
Theoretical classes Resolution of practical cases Group or individual work Group or individual tutorials	Theoretical study of the contents Preparation of activities and tasks given by the professor.

SKILLS

Basic Skills

Students must have demonstrated knowledge and understanding in an area of study that is founded on general secondary education. Moreover, the area of study is typically at a level that includes certain aspects implying knowledge at the forefront of its field of study, albeit supported by advanced textbooks

Students must be able to apply their knowledge to their work or vocation in a professional manner and possess skills that can typically be demonstrated by coming up with and sustaining arguments and solving problems within their field of study

Students must have the ability to gather and interpret relevant data (usually within their field of study) in order to make judgments that include reflections on pertinent social, scientific or ethical issues

Students must be able to convey information, ideas, problems and solutions to both an expert and non-expert audience

Students must have developed the learning skills needed to undertake further study with a high degree of independence

General Skills

To apply theoretical knowledge in the solving of problems.

To research, manage sources and handle information.

To communicate orally and in writing within different contexts, using technical language when the situation calls for it.

Specific skills

To create and develop criteria for problem-solving and decision-making.

To handle (legal, jurisprudential and doctrinal) law sources applicable to the matter of study.

To read and interpret legal texts.

LEARNING RESULTS

The student understands the international contracts from the point of view of a global world

The student is able to anticipate/solve real problems regarding international contracts by applying international regulations.

The student identifies the main points that cause responsibility in international contracts

LEARNING APPRAISAL SYSTEM

The appraisal system will have the following parameters:

A. Ordinary assessment:

A.I.- 60% Objective written assessment or assessments.

A.II.-40% Continuous learning assessment
30% Resolution of practical cases and other activities.
10% Class attendance and active class participation.

A.III. For students at second and further calls the attendance is not compulsory, if they properly inform the professor in charge. In this latter case these will be the assessment items:

- 70% Written assessment.

-30% Practical cases proposed by the professor.

B. Extraordinary examination:

In extraordinary examination the assessment will take into account the following parameters: B.I.- 70% Written assessment.

B.II. -30% Practical cases proposed by the professor.

C. To pass the subject is a necessary condition to have passed all assessments, including the written ones, (score of 4 out of 10).

D. Academic authorization: Academic permission for the non- attendance can be granted by the academic direction if it is properly evidenced (medical or working causes). In these cases, the assessment will consist of the following activities:

D.I. 70% Objective written assessment

D.II. 30% Assigned task(s) by the professor.

E. Honour qualification: The honour score will be only granted to that student who stands above the rest of the students for his/her high academic achievements and moral attributes.

F. "Out-going" students (Erasmus program)/"In-coming" students should contact the professor as soon as possible to set the assessment activities and the monitoring method of the subject.

BIBLIOGRAPHY AND OTHER RESOURCES

Basic

CUATRECASAS-GONÇALVES, Undidroit Principles/Principios Unidroit sobre Los Contratos Comerciales Internacionales 2010. La Ley: Madrid, 2012.

VIGURI PEREA, A. Los contratos comerciales internacionales: análisis de la compraventa desde la perspectiva del Derecho comparado. Editorial Colegio de Registradores: Madrid, 2007.

Additional

KOZOLCHYK, B., La contratación comercial en el Derecho comparado, Editorial Dykinson: Madrid, 2006

Other bibliography suggested during the semester