

International Commerce Law

Code: 102261
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

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Use of languages

Principal working language: english (eng)
Some groups entirely in English: Yes
Some groups entirely in Catalan: No
Some groups entirely in Spanish: No

Teachers

Josep Suquet Capdevila

Prerequisites

There is no previous requirement

Objectives and Contextualisation

The objective of this course is that the students become familiarized with the specific legal problems of international business. At the end of the course they will know the basic elements of the legal regulation of international commerce and they will be able to interpret this regulation and to apply it in the most frequent situations of the international trade. This approach to international trade law will be made from a critical and integrated perspective, considering the implications that the international traffic has in different ambits (economic, politics, ethics...).

Skills

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.
- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Identifying and solving problems.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Memorising and utilising legal terminology.
- Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.

- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Working in multidisciplinary and interdisciplinary fields.

Learning outcomes

1. Applying an interdisciplinary and integrated vision of the legal problems in an international environment.
2. Assessing legislative changes and reforms in a context of plurality of systems.
3. Assessing the underlying conflicts of interest in the legal problems proposed in an international environment.
4. Building a legal reasoning or discourse in the field of Public International Law, Private International Law and European Union Law.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Drawing up and formalising works, reports, documents, rulings.
7. Identifying and assessing the changes and evolution of jurisprudence in a context of plurality of systems.
8. Identifying and knowing the basic contents of every stipulated speciality.
9. Identifying and solving problems.
10. Integrating the importance of Law as a regulatory system of social relations, and the contextualisation of the legal phenomenon in the international environment.
11. Memorising and using the specific terminology of Public International Law, Private International Law and European Union Law.
12. Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
13. Students must be capable of learning autonomously and having an entrepreneurial spirit.
14. Working in multidisciplinary and interdisciplinary fields.

Content

LESSON 1

Meaning of International Business Law. Content and sources trade law. International Business Law: history, evolution and current situation. International trade, international business law, international economic law, commercial law and private international law. The sources of international business law: international law, law of the European Union, domestic law, *lex mercatoria*.

LESSON 2

Intangible assets, competition law and non-contractual obligations. Intellectual property. Unfair Competition. Non-contractual liability in specific matters: products liability and damages to the environment.

LESSON 3

Companies. Incorporation of companies. Establishment of companies outside the State of incorporation. Mobility and international transformation of companies. International judicial jurisdiction in corporate matters.

LESSON 4

International contracts. Sources of regulation. Formation and content of the contract. Settlement of disputes before state courts. Legal regime of the international contract.

LESSON 5

International sale of goods. Regulation of the international sale of goods: the Vienna Convention of 1980. Formation of the contract. Obligations of the buyer. Obligations of the seller. Regime of non-compliance.

LESSON 6

International carriage of goods. The different modes of transport. Carriage of goods by sea. Carriage of goods by air. Carriage of goods by road. Carriage of goods by rail. Transport by rail. Multimodal transport.

LESSON 7

Modalities of payment, guarantees and financing. Modalities of payment in international trade: cheque, bank transfer, payment order, documentary credit. Guarantees: guarantee contract, independent guarantees, letters of sponsorship, proprietary rights as guarantees. Financing agreements. Insurance contracts.

LESSON 8

Collaboration agreements. Commercial distribution agreement. Transfer of technology agreement. E-commerce and services of the information society.

LESSON 9

Insolvency. Conditions for the opening of the bankruptcy proceeding. Opening of the proceedings. Development of the proceedings. International recognition of the proceedings. International cooperation.

LESSON 10

Arbitration in international trade. Nature of the arbitration. Arbitration agreement. Arbitration proceedings. Judicial intervention in arbitration proceedings. The law applied by the arbitrators. Judicial control of the arbitral award. Exequatur of the arbitral award. Investment arbitration.

Methodology

There are three types of activities: activities directed by the teacher, supervised by the teacher and autonomous learning of the student.

1. ACTIVITIES DIRECTED BY THE TEACHER

Activities directed by the teacher are the activities developed in the classroom, under the direction of the teacher during the time scheduled for the class. They may consist in lectures given by the teacher, during the development of the classes practical problems will be raised and analysed and students will be asked to participate, contribute with their own ideas or even they will be invited to advance solutions to the problems that will be posed.

During lectures, the different issues will be explained. Although the teacher's discourse will be the axis of the class, the participation of the students is also necessary. The students should read before the class the materials recommended. They should also take with them the relevant legal norms and judicial decisions that will be used during the class. The vast majority of those materials will be made available through the UAB Moodle.

2. SUPERVISED ACTIVITIES

These activities will be developed in class under the supervision of the teacher. Judicial decisions, legal rules and practical problems will be analysed. The participation of the students -individually and in group- will be a key element during the classes. The reading of the materials before the class is also compulsory. In these classes, both written and oral exercises will be carried out. These exercises are aimed not only to strengthen their capacity for legal analysis but also their ability to work in groups, the capacity to elaborate legal documents and to improve techniques of argumentation and oral expression.

3. AUTONOMOUS ACTIVITIES

Autonomous activities are all those activities in which students organize their time and effort independently, individually or in a group. In the case of the course "International Commerce Law" these autonomous activities are the reading of handbooks and recommended materials as well as the study of the different issues of the program, according with the teacher's instructions.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
Lectures	22.5	0.9	1, 8, 7, 10, 11, 9, 2, 3
Work in class	22.5	0.9	1, 8, 4, 5, 7, 10, 11, 9, 6, 13, 14, 2, 3
Type: Autonomous			
Reading of handbooks and documents	30	1.2	1, 8, 4, 5, 7, 10, 11, 9, 2, 3
Study	70	2.8	1, 8, 4, 5, 7, 10, 11, 9, 13, 14, 2, 3

Evaluation

ORDINARY EVALUATION

A) During the course two practical cases must be resolved. These exercises will be carried out on the dates that will be announced in class and through the moodle at the beginning of the course. Each of these exercises will represent 12.5% of the final mark (1.25 points out of 10).

B) There will be a final examination (theory) composed of two questions that must be answered by the student without any kind of material. The mark of the exam will be 50% of the final mark (5 points out of 10).

C) A practical exam will be held during the course. The date will be announced at the beginning of the course through the moodle. This practical exam will be 25% of the final mark (2.5 points out of 10).

D) The final mark will be that which results from considering that obtained in the tests described in a), b) and c).

PROCEEDING FOR THE REVISION OF THE MARKS

A) With the notification of the final marks will be provided information about the date for the revision of these marks. The revision will include all the works used for the evaluation (practical cases, final exam, practical exam).

B) During the course, the students are allowed to demand interviews with the teachers in order to be informed about the marks obtained and the valorations made by the teachers. These interviews are compatible with the revision of the final marks established *supra* in paragraph "A".

RE-EVALUATION

The students who don't obtain at least 5/10 as final mark in the ordinary evaluation can take part in the re-evaluation. The re-evaluation will consist of the resolution of a case and an exam (theory) equivalent to what is provided in sections "b)" and "c)" of the ordinary evaluation.

The student could decide to re-evaluate only the final exam or the resolution of the practical case. If he or she decides to do that, the mark that will be considered in the re-evaluation for the part that has not been re-evaluated is the mark obtained in the ordinary evaluation.

The activity "resolution of practical cases" (point "a" of the ordinary evaluation) can not be re-evaluated. The marks that will be considered in the re-evaluation for this activity are those obtained in the ordinary evaluation.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Final exam (theory)	50% (5 points out of 10)	1	0.04	1, 8, 4, 5, 7, 10, 11, 9, 13, 14, 2, 3
Practical exam	25% (2,5 points out of 10)	1	0.04	1, 8, 4, 5, 7, 10, 11, 9, 6, 13, 14, 2, 3
Resolution of practical cases	25% (2,5 points out of 10)	3	0.12	1, 8, 4, 12, 5, 7, 10, 11, 9, 6, 13, 14, 2, 3

Bibliography

There is no handbook in English that corresponds exactly with the issues that will be considered in the course. The references to the different materials will be provided by the professor during the course through the moodle.

Useful readings before the course are:

-J.C.T. Chuah, *Law of International Trade*, Sweet & Mawwell/Thomson Reuters, 5 ed. 2013

- R.A. August/D. Mayer/M. Bixby, *International Business Law*, Pearsons Education, 6 ed. 2013

And in Spanish

- J.C. Fernández Rozas/R. Arenas García/P.A. de Miguel Asensio, *Derecho de los Negocios Internacionales*, Madrid, Iustel, 5ª ed. 2016.

The previous reading of the following materials will be also useful:

- Regulation (EUI) 1215/2012

- Regulation (EU) 593/2008

- Regulation (EU) 864/2007

- UN Convention of 1980 on Contractas for the International Sale of Goods