

# International and European Commercial Law

(6 credits)

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## Module Convenors

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## Course Objectives

The course deals with international commercial contracts. More specifically, the course covers the following topics: **What is an international commercial contract? - The governing law of international commercial contracts** (uniform rules of international conventions/national laws applicable by virtue of conflict of law rule or by choice of the parties, HCCH Principles on the choice of Law, UNIDROIT Principles, CISG-Vienna Convention for the International Sale of Goods) – **The formation and structure of international commercial contracts** (negotiations and drafting) – **Most common international commercial contracts** (distribution contracts, agency contracts, franchise contracts, joint ventures) – **Jurisdiction on international commercial contracts.**

### Knowledge and understanding

Critical knowledge of the core subjects related to the course, in both international and national law perspective, in a systematic perspective. Knowledge and understanding of the economic ratio behind the issues covered, taking into account the international debate and the political-economic implications.

### Applying knowledge and understanding

Ability to apply knowledge acquired during the course in order to analyse and discuss controversial cases in a consistent way.

### Making judgements

Improvement of the ability to understand and critically assess the core subjects related to the course, considering also the political-economic implications; ability to connect, in a consistent way, the different issues examined in the course.

### Communication skills

Improvement of the ability to describe and discuss, in a clear and appropriate legal language, the core subjects and the controversial issues of international contracts law.

### Learning skills

Improvement of the ability to study in an independent and critical way.

## Course Structure

The course is organised in lectures, each lasting **2 hours**. At the end of each lesson a Q&A time is scheduled. An overview of the content of these is outlined below, and these will aim to provide an introduction to the subject matter. In addition to these, if requested, **tutorials** may be organized on specific arguments.

## **Course Assessment\*\***

The proposed research topics offer an opportunity for further in-depth analysis of the subjects examined during the lecture. Students will undergo one written evaluation test at the end of the course. The test, which could take place in telematic mode, may consist in the resolution of some multiple-choice questions, as well as the writing of a short essay on the topics covered in previous lessons, as well as a case study.

## **Reading List/textbooks**

### **Mandatory readings-for this course include:**

- C.P. Gillette, *Advanced Introduction to International Sales Law*, Elgar, 2016
- R. Cavaliere-V. Salvatore, *An introduction to international contract law*, Giappichelli, 2019
- M.J. Bonell, *The law governing international commercial contracts and the actual role of the Unidroit principles*, in *Unif. Law Rev.*, 2018
- M.J. Bonell, *An International Restatement of Contract Law: The UNIDROIT Principles of International Commercial Contracts*, Transnational Pub, 2005 (only selected parties, available for free on Discovery Sapienza)

### **Internet resources for this course include:**

EUR-Lex offers access to EU law, case-law by the Court of Justice of the European Union and other public EU documents: <https://eur-lex.europa.eu>

Official website of the European Court of Justice: <https://curia.europa.eu> (in particular, the “case law section”, available at [https://curia.europa.eu/jcms/jcms/P\\_106308/en/](https://curia.europa.eu/jcms/jcms/P_106308/en/))

Discovery Sapienza (<https://opac.uniroma1.it>) (in order to access electronic resources)

<https://Unilex.info> (official website by Unidroit, International Case Law & Bibliography on Unidroit Principles of International Commercial Contracts and on United Nations Conventions on Contracts for the International Sale of Goods)