

Contract Law

Academic Year: (2019 / 2020)

Review date: 28-03-2019

Department assigned to the subject: Private Law Department

Coordinating teacher: RODRIGUEZ DE LAS HERAS BALLELL, TERESA

Type: Compulsory ECTS Credits : 9.0

Year : 1 Semester : 1

OBJECTIVES

GENERAL COMPETENCES

- Ability of conflict resolution in contexts that are new or unfamiliar in multidisciplinary situations.
- Ability to face complex situations and solve problems with limited information
- Ability to transmit and communicate conclusions and outcomes both to specialized and non-specialized publics on a clear and unambiguous basis
- Provide legal advice in regulated sectors both at an international level and a domestic one
- Identify conflicts of interests and manage resolution techniques in the organizational, management and commercial context of regulated sectors
- Assess the array of liabilities likely to arise from the provision of professional services in regulated sectors
- Provide legal advice to international companies willing to invest in regulated sectors
- Develop skills to improve consumer protection in regulated markets
- Teamwork in specific, interdisciplinary and international contexts in order to integrate diverse contributions towards a common goal.

SPECIFIC COMPETENCES

Ability to give legal advice to the business in contractual, corporate, and commercial issues

Ability to assess business economic situation from accountancy

Ability to negotiate and prevent conflict situations

EXPECTED LEARNING OUTCOMES

Students are expected to learn how to resolve problems in business transactions, elaborate notices and reports and legal documents in related issues.

DESCRIPTION OF CONTENTS: PROGRAMME

1. Scope and features of international business law.
 - a. Legal instruments and sources of law.
 - b. Applicable law in transnational commercial contracts
2. Dealing with introductory issues and training general skills:
 - a. Negotiation
 - b. Drafting contracts: structure, essential elements and accessory elements
 - c. A comparative approach in negotiation and drafting: uses, practices and legal traditions
- 3.- Preliminary dealings and contract formation
 - a. Defining the scope of IBT/CTL: Civil/Commercial Law and Consumer Law
 - b. Preliminary dealings: precontractual liability, fair dealing and preliminary agreements
 - c. Contract formation: offer, counter-offer and acceptance
 - d. Standard Terms and Adhesion Contracts
 - e. Performance, breach of contract and remedies
 - f. Disclaimers, exclusions and limitations of liability
4. International commercial transactions (I): sale of goods and provision of services

- a. Contracts for the sale of goods
- b. Supply contracts
- c. Exchange/swap contracts
- d. Contracts for the provision of services
- e. Selection of special contracts of sale
- f. Distribution / Agency contracts

5. International commercial transactions (II): electronic transactions

- a. Basics of e-commerce
- b. Electronic contracting
- c. Electronic markets, trading platforms and business communities
- d. Commercial strategies in electronic commerce
- e. Data protection and privacy policies in international business

6. Contracts of carriage & logistic contracts in international trade.

- a. Different types of carriage contracts and shipping needs
- b. Transport documents
- c. Logistics contracts

7. International payments.

- a. Fund Transfers
- b. Bills of Exchange and Promissory Notes in international transactions
- c. Assignment of Receivables in international trade
- d. Electronic money and other electronic payment services
- e. Basics of Anti-Money laundering regulations
- f. Combating late payment and managing payments (factoring / reverse factoring)

8. Trade finance and secured transactions:

- a. Asset-based secured transactions and financing schemes:
 - i. Reservation of title
 - ii. Leasing agreements
 - iii. Renting
 - iv. Asset-based international security and other secured transactions
- b. Personal suretyships
- c. Bank guarantees, standby letters of credit & documentary credit.
- d. Loan contracts and other banking contracts. Legal problems of relations with banks and other financial institutions
- e. Project financing.
- f. Insurance contracts.
- g. Options, futures and other derivatives contracts for managing risk in international trade

LEARNING ACTIVITIES AND METHODOLOGY

Learning activities:

Lectures
Tutorials
Teamwork
Individual study

Teaching methodologies

- debates and critical discussions

- practical assignments: drafting, conflict resolution, negotiations, prelegislative tasks, regulatory and supervision issues, case law analysis, preparing documents, report drafting

ASSESSMENT SYSTEM

Given the practical orientation of activities and teaching methodologies, assessment system will be:

Graded assignments to be presented in class (in groups or on an individual basis) 40%

Final exam (60%)

% end-of-term-examination: 60

% of continuous assessment (assignments, laboratory, practicals...): 40