

Course title	International Business Transactions (B)				
Teacher(s)	SAITO Akira, Benedicte Fauvarque-Cosson			開講区分	単位数
				1st semester	1.0
Numbering Code		Day・Period	Other	Timetable Slot Code	1J434

Lesson topic

The harmonization of contract law, especially from the viewpoint of Europe.

Lesson target

The course is aimed to introduce to students the main instruments of European and international contract law. This course will show how these models contribute to build up a bridge between the various legal traditions and will particularly focus on how they take place in a European legal environment based on pluralism. The Principles of European Contract Law and the Principles of International Commercial contracts (Unidroit Principles), contribute to the spreading of new legal models, originally inspired by the Vienna Convention on International Sales of Goods (CISG). This course will present these models and show how they contribute to the harmonization of national contract laws in Europe, but also all over the world. The course particularly focuses on the French contract law reform (2016) which took much inspiration from these instruments. It will analyse, from a comparative perspective, some aspects of the French new Civil Code

The new trends within the European Union (from a Proposal for a Regulation on a Common European Sales Law to the Digital market and the General data Protection Regulation, GDPR) will also be presented and discussed with the students. The idea of transforming the Principles of International Commercial contracts (Unidroit Principles) into an international convention (towards an international code of contracts ?), ratified by the States, will be examined together with the New Hague Principles on Choice of Law in International Contracts.

Syllabus and plan

There will be a total of eight lectures covering the following topics.

- Principles of European contract law (PECL) ; the Draft Common Frame of Reference (why it was not adopted); gradual convergences in modern laws of contracts and the Unidroit Principles (4 lectures : 1 on the general framework, 3 lectures on specific issues : basic principles of contract law ; interpretation and change of circumstances ; remedies for non-performance)
- Private international law issues : Rome I Regulation, Hague Principles on Choice of Law in International Contracts (2 lectures)
- New trends and perspectives : from general contract law to the digital single market and GDPR; from Europe to Asia (2 lectures)

The topics and schedule may be adjusted depending on discussions and expectations of the students

Evaluation method

Attendance and class participation 50%; term paper/presentation 50%

Evaluation baseline

With the method stated above, grades will be determined in accordance with the degrees of achievement of the objectives.

Notice (include info. on related class)

Prior to taking this course, students are expected to have some knowledge of the Principles of European Contract Law, the Principles of International Commercial contracts (Unidroit Principles), Rome I Regulation, Hague Principles on Choice of Law in International Contracts.

Students must also have read the reference materials listed below.

Review and preparation

Read the assigned materials and prepare the proposed questions before each lecture.

Office hour · Contact information

Contact details will be announced during lectures.

Message for student

I look forward to students' active participation in class.

Improvements in Teaching

Text

European Contract Law, second ed. / H. Kötz : Oxford ,2017 ,ISBN:
Cases, Materials and Texts on Contract law, Ius Commune Casebooks on the Common Law of Europe, 2nd edition / H. Beale, B. Fauvarque-Cosson, J. Rutgers, D. Tallon, S. Vogenauer : Hart Publishers ,2010 ,ISBN:

Reference Material

The Code Napoléon Rewritten: French Contract Law after the 2016 Reforms, extracts / Cartwright, J and Whittaker, S (eds) : Oxford: Hart Publishing ,2017 ,ISBN:
The French Contract Law Reform and the Political Process' (2017) 13 European Review of Contract Law 337 / B. Fauvarque-Cosson : ,2017 ,ISBN:

Classroom Language

English

Keywords

International Law; contract law ; European contract law ; harmonization