



APPLIES TO ACADEMIC YEAR 2010/2011

## EXC 2121 International Commercial Law

### Programme

Bachelor in Business Administration (BBA) (2. year)

### Responsible for the course

### Department

Department of Accounting - Auditing and Law

### Term

According to study plan

### ECTS Credits

7,5

### Language of instruction

English

### Introduction

The course offers a thorough introduction to legal systems, legal terminology and the body of law that governs business and commercial transactions. The course covers general contract law and mechanisms for entering into and interpreting international contracts. Standard contracts and their use will be covered, as well as standard tradeterms, documents and their use. The students will learn the importance of determining jurisdiction and applicable law in contracts and in tort. Methods of dispute resolution, such as court process, mediation and arbitration will be covered. The course covers specific regulations such as CISG (Convention for the International Sale and Purchase of Goods), INCOTERMS, documentary credits and their use.

### Learning outcome

#### Acquired knowledge

On completion of this course, the student should be able to:

- Identify sources of law and regulations applicable to international business transaction, such as national laws, international conventions, trade terms and commercial practices.
- They will have a general overview of the legal systems and the main difference between civil law and common law countries when practicing contract law and entering into contracts with a foreign element.
- The students will be able to identify, understand and apply common legal terms and expressions, and to choose between different dispute resolution methods.
- The students will have a good overall understanding of the legal challenges in international business. The students will also have a general understanding of EU law and the impact of competition law on business cooperation.

#### Acquired skills

The students will be able to:

- Find and apply relevant sources of law
- Distinguish between civil law and common law practices in relation to commercial law and contracts.
- Evaluate the extent to which the parties may have to apply the law or if they can derogate from it in their contracts.
- Understand the mechanisms of choice of forum and choice of law, enabling them to identify the law applicable to the contract and to choose the method of dispute resolution.
- Be able to enter into basic commercial contracts and to understand and interpret relevant clauses.
- Use CISG when entering into international purchase transactions.
- Understand and apply international sale and purchase contracts and associated contracts such as Incoterms and letters of credit.
- Be able to apply and use CISG - the Convention on International Sale of Goods.
- Acquire adequate tools in order to handle legal challenges arising out of international business transactions, and methods for avoiding conflicts and dispute resolution.

### Reflection

The students will have a general understanding of legal systems and contract practices, and how they can differ between countries. This understanding and knowledge will enable them to be more cautious when entering into contracts with a foreign element, and will make them reflect on the potential different outcomes that could be the result of applying alternative jurisdiction, applicable law and choice of dispute resolution clauses in their business contracts. By knowing main legal terms and practices, they will be able

to avoid common pitfalls in the future.

### **Prerequisites**

None

### **Compulsory reading**

#### **Books:**

Fairhurst, John. 2010. Law of the European Union. 8th ed. Harlow : Pearson/Longman. Chap 2 (Pages 55-85). Chapter to be provided at It's learning in a scanned version  
Moss, Giuditta Cordero. 2010. International commercial law. Privatrettsfondet

#### **Articles:**

Dalhuisen, Jan H. 2007. The contract for the international sale of goods. I: Dalhuisen, Jan H, Dalhuisen on transnational and comparative, financial and trade law. Oxford : Hart Publishing. 33. The articles will be provided on Blackboard

Selected articles on CISG and Incoterms. Articles will be posted on It's learning

### **Recommended reading**

#### **Course outline**

- Different legal systems and terminology
- Common law and civil law
- EU and EEC Law
- Mandatory laws vs. non-mandatory and contract law
- International conventions and their use
- Conclusion of contracts and standard terms in international contracts
- Methods for interpretation of contracts
- International sale and purchase - CISG (the international sale of goods act)
- Terms of delivery – INCOTERMS
- Letters of credit and standard documents used in international trade
- Case work

#### **Computer-based tools**

Computer-based tools are not used in this course.

#### **Learning process and workload**

The course will be conducted through a combination of lectures, casework, group work and assignments. The students need to read the PowerPoint presentations, articles and curriculum as presented during the course.

#### **Recommended workload in hours**

<b>Activity</b>	<b>Hours</b>
Participation at lectures	30
Case work in groups	9
Participation at assignment reviews by lecturer*	6
Preparation for lectures	65
Preparation for exams	90
<b>Total recommended use of time</b>	<b>200</b>

#### **Required work (mandatory hand-in assignment)**

During the semester there is one (1) mandatory assignment that must be approved by the lecturer in order for the student to attend the final exam.

The assignment is in writing and will be placed on It's learning. The students should be able to answer it in about 3 hours if they have followed the recommended work schedule. If the students are not prepared, more time must be allowed.

A minimum level of performance will be demanded for the assignment to be approved. Further information will be given in the lectures and through It's learning.

Feedback to the students will be given during lectures. The lecturer will review some of these assignments in class. The feedback will consist of the students comparing their solutions with the one that is explained by the lecturer.

#### **Use of hours**

30 hours - Lectures

9 hours – Group work supervised by the lecturer

6 hours – Review of group work

45 hours in total

**Coursework requirements**

In order to attend the final examination students must have passed one hand-in assignment. See learning process and workload.

**Examination**

A three hour individual written exam concludes the course.

**Examination code(s)**

EXC 21211 - written exam that accounts for 100% of the grade in the course EXC 2121 International Commercial Law, 7.5 ECTS credits.

**Examination support materials**

CISG (Convention of International Sale of Goods) as provided on It's learning.

**Re-sit examination**

A re-sit is held at next scheduled examination in the course.

**Additional information**