

## **JAEN31, Principles of European Business Law, 7.5 credits**

### *Principles of European Business Law, 7,5 högskolepoäng*

Second Cycle / Avancerad nivå

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### **Details of approval**

The syllabus was approved by Educational Committee of the Law Faculty Board on 2010-05-18 to be valid from 2014-09-01, autumn semester 2010.

### **General Information**

The course Principles of European Business Law is a compulsory course within the Master's Programme in European Business Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law degree and who are enrolled in the Master's Programme in European Business Law in their studies at advanced level. The course is also open to international students participating in exchange programmes with the Faculty of Law. The course is scheduled to require 10 weeks of part-time studies.

*Language of instruction:* English

Lectures and course materials are in English.

#### *Main field of studies*

European Business Law

#### *Depth of study relative to the degree requirements*

A1N, Second cycle, has only first-cycle course/s as entry requirements

### **Learning outcomes**

The aim of the course is to enable students to reflect upon the basic principles and policies of European commercial law from a comparative point of view, as well as to help them develop skills on conducting and concluding contractual negotiations in a commercial context.

## **Knowledge and understanding**

To pass the examination the student shall be able to:

- show a basic understanding of how the CISG, the different national legal systems and contract law of EU origin co-exist in European commercial law
- show a basic understanding of legal solutions, common or diverging, to such contract law problems that occur between different European legal systems
- show a basic understanding of how, from a European comparative perspective, to identify and prevent diversities in contractual situations and
- identify and determine the key segments in a commercial negotiation process.

## **Competence and skills**

To pass the examination the student shall be able to:

- demonstrate an ability to master a wide range of diverse sources of legislation and case law relating to commercial contractual situations
- demonstrate an ability to uncover similarities and diversities between the different European legal systems as to the field of commercial contract law
- demonstrate an ability to devise and implement an appropriate strategic approach to a commercial contract negotiation
- demonstrate an ability to relate a theoretical basis for negotiation performance in to a practical scenario.

## **Judgement and approach**

Students shall train inter-disciplinary working methods with colleagues from different cultural backgrounds and of the opposite gender.

They shall simultaneously perform independent investigation and take full responsibility for the development of their own knowledge.

To pass the examination the students shall be able to consider and discuss social, legal and ethical responsibilities within a commercial environment and base arguments on such reflections.

## **Course content**

In this course, European business law will be studied both from a theoretical and a practical perspective.

The theoretical part is based on studying certain aspects of commercial law from a comparative European perspective. Focus lies upon contracts for the sales of goods and services but other types of contracts will be regarded as well. Topics such as pre-contractual negotiation and liability, formation of contracts, breach of contracts and remedies will in particular be examined, as well as issues regarding property rights and private international law.

It must be underlined that the purpose of the course is not to supply its participants with knowledge of contract law as a whole, that is, all legal-technical contract law resolutions represented in the different European legal systems. Instead the aim of this course is to highlight solutions, common or diverging, to certain contract law problems that might occur in a European context, and that thus must be considered in cross-border business negotiation circumstances.

A significant part of the course focuses on practical aspects of European business law. This means that throughout the course, students will operate negotiation performances based on a practical scenario. Although the negotiation meetings demand independent research and presentation skills, the students will be trained to carry out the tasks by experienced negotiators and skilled practitioners.

## Course design

The course is structured on a succession of lectures and seminars, where student participation is required.

## Assessment

Method of evaluation:

- Through performance and contribution during class presentations and group negotiations (50% of the final grade).
- Written examination at the end of the course (50% of the final grade).

In order to pass, students are required to meet 80% attendance on the course.

*Subcourses that are part of this course can be found in an appendix at the end of this document.*

## Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

One of the following grades is given: Pass with Distinction (AB), Pass with Credit (BA), Pass (B) or Fail (U).

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grading criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grading criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to the dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

### *B – Basic command*

In order to achieve grade B, the student must show good knowledge of European

business law both from a theoretical and a practical perspective, and demonstrate sound ability to critically evaluate the circumstances and situations where the diversity of this area of law is significant. This includes having sound knowledge of the interactions between national, European and international sales of goods and services instruments. The student must demonstrate sound knowledge of these instruments and of the relevant evolving EU-specific debates relevant to this subject.

The student must demonstrate sound knowledge of the rules of interpretation, drafting and structuring of commercial agreements and sound ability to apply these rules in the evaluation and construction of a commercial agreement.

The students must demonstrate good negotiation and argumentation skills in oral and written form, as well as a good ability to conduct and differentiate between legal and commercial considerations.

The student must demonstrate sound ability to situate his or her arguments or positions within relevant legal instruments and relate it to commercial aims.

#### *BA – Advanced command*

In order to achieve grade BA, the student must show very good knowledge of European business law both from a theoretical and a practical perspective, and demonstrate good ability to critically evaluate the circumstances and situations where the diversity of this area of law is significant. This includes having good knowledge of the interactions between national, European and international sales of goods instruments. The student must demonstrate good knowledge of these instruments and of the evolving EU-specific debate relevant to this subject.

The student must demonstrate very good knowledge of the rules of interpretation, drafting and structuring of commercial agreements and sound ability to apply these rules in the evaluation and construction of a commercial agreement.

The students must demonstrate very good negotiation and argumentation skills in oral and written form, as well as good ability to conduct and differentiate between legal and commercial considerations.

The student must demonstrate very good ability to situate his or her arguments or positions within relevant legal instruments and relate it to commercial aims.

#### *AB – Mastery*

In order to achieve grade AB, the student must show excellent knowledge of European business law both from a theoretical and a practical perspective, and demonstrate very good ability to critically evaluate the circumstances and situations where the diversity of this area of law is significant.

This includes having very good knowledge of the interactions between national, European and international sales of goods instruments. The student must demonstrate very good knowledge of these instruments and of the evolving EU-specific debate relevant to this subject.

The student must demonstrate very good knowledge of the rules of interpretation, drafting and structuring of commercial agreements and sound ability to apply these rules in an evaluation and construction of a commercial agreement.

The students must demonstrate excellent negotiation and argumentation skills in oral and written form, as well as very good ability to conduct and differentiate between legal and commercial considerations.

The student must demonstrate excellent ability to situate his or her arguments or positions within relevant legal instruments and relate it to commercial aims.

## **Entry requirements**

This course is obligatory for students enrolled in the Master's Programme in European Business Law.

Students enrolled in the programme leading to a Swedish Professional Law degree, and who are enrolled in the Master's Programme in European Business Law in their studies at advanced level, need to comply with the conditions set out in the curriculum for the Master of Law Programme at the Faculty of Law, Lund University for admission.

Admission requirements for international exchange students include relevant undergraduate studies corresponding to three years at a university level, and basic knowledge of public international law.

## **Further information**

The University views plagiarism as a very serious academic offence, and will take disciplinary action against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practices in examinations or assessments, includes suspension from the University.

## Subcourses in JAEN31, Principles of European Business Law

Applies from H10

1001 Principles of European Business Law, 7,5 hp  
Grading scale: Fail, Pass, Pass with credit, Pass with distinction