



LUND
UNIVERSITY

Faculty of Law

JAEN68, The European Union, Contract Law and Global Value Chains, 15 credits

The European Union, Contract Law and Global Value Chains, 15 högskolepoäng
Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2022-05-11 to be valid from 2022-05-12, autumn semester 2022.

General Information

The course is an elective 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 to international students participating in exchange programmes with the Faculty of Law.

Language of instruction: English

Main field of studies

European Business Law

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

The course is an introductory course into the role of law in organizing and steering global production.

Knowledge and understanding

To pass the exam the student shall:

- show a solid understanding of the role of law in the development of new forms of production, such as global value chains and the platform and circular economies
- understand how techniques for governing and regulating new forms of production are based on existing legal frameworks and reflected in case law,

regulation and other material, such as corporate reporting and contractual models and practices

- understand the legal and practical consequences of different modes of organizing, governing and regulating production.

Competence and skills

To pass the exam the student shall show a good ability to:

- apply a wide range of principles and techniques for organizing, governing and regulating new forms of production in different contexts and cases
- analyze case law, regulation and other relevant material, such as corporate reporting and contractual models and practices, from the point of view of their legal and practical effects, for example in relation to efficiency and sustainability
- discuss and critically evaluate legal current and upcoming regulatory approaches and liability schemes related to global production.

Judgement and approach

Students train inter-disciplinary working methods with colleagues from different cultural backgrounds and genders. They perform independent research and take full responsibility for developing their own understanding of the relevant material and theories.

To pass the examination the students shall be able to consider and discuss the legal and societal organizational underpinnings and implications of global production.

Course content

UNCTAD estimated in 2013 that 80% of global trade takes place in organizationally and geographically fragmented structures of production called global value chains. In a nutshell, value chains are collective entities of seemingly independent actors, connected through contracts or equity ownership, and governed by a lead firm. The central role of global value chains for prevailing modes of capitalism places them high on the EU's list of regulatory objects for reasons ranging from guaranteeing the functioning of the single market to global sustainability and geosecurity. The extent to which the EU can or should regulate global production taking place in value chains is one of the burning questions of our time, as witnessed through debates over novel regulatory instruments such as the Sustainable Reporting Directive, the Sustainable Due Diligence Directive, and the environmental and social taxonomies.

To tackle this central issue of the organization of production, the course focuses on the interplay of private governance mechanisms, public law and private law doctrine in creating a rapidly developing legal framework in which all forms of economic production operate. New forms of production, such as global value chains, digital platforms, and the circular economy, utilize novel technologies and ideologies of governance to extend the governance effects of lead firms along these value chains, far beyond corporate and contractual boundaries. Thus we begin by exploring the constitutive role of private law in forming and governing global production entities such as global value chains and their further development via the platform and circular economies. The course introduces the rise to global dominance of these new forms of production and how they can be governed and regulated.

The course further elaborates on how contracts can be used to control not only the internal efficiency of fragmented production entities but also the social,

environmental, cultural and economic sustainability “externalities” associated with production: private law mechanisms open up creative ‘safe-spaces’ for both efficiency and sustainability related governance initiatives. The course provides students with knowledge on supply chain management and governance from a legal perspective and the manifold regulatory approaches that the EU is utilizing to extend its transnational reach along value chains for reasons of sustainability and geosecurity. It also provides students with an understanding of the shifting parameters of governance through contract and enables students to make informed decisions on the legal consequences of different modes and techniques of organizing outsourced production and regulatory approaches to steering such production.

Course design

Teaching is provided in the form of lectures, seminars and workgroup exercises. Apart from the assigned literature, the course requires individual literature studies.

Assessment

Examination is in the the form of a paper assignment.

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

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

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.

B – Pass

In order to pass the student must show sound knowledge about the role of law in global production.

The student must be able to demonstrate basic knowledge of the principles and techniques of organizing, governing and regulating fragmented production.

The student has to show a fair ability to:

- analyze the legal framework of new forms of production, such as global value chains and the platform and circular economies
- identify legal problems independently and to critically and creatively systematize arguments
- analyze, compare and assess theoretical and practical problems within the context of organizing, governing and regulating new forms of production.

The student must show a fair ability to analyze the principles and techniques of organizing, governing and regulating new forms of production in terms of their legal and practical effects, such as in relation to their efficiency and sustainability, both in oral and written form, and an ability to work on related topics both individually and in

groups.

BA – Pass with credit

In order to achieve this grade, the student must show an in-depth knowledge about the role of law in global production.

The student must be able to demonstrate good knowledge of the principles and techniques of organizing, governing and regulating fragmented production.

The student has to show good ability to:

- analyze the legal framework of new forms of production, such as global value chains and the platform and circular economies
- identify legal problems independently, and to critically and creatively systematize arguments
- analyze, compare and assess theoretical and practical problems within the context of organizing, governing and regulating new forms of production.

The student must demonstrate a good ability to analyze the principles and techniques of organizing, governing and regulating new forms of production in terms of their legal and practical effects, such as in relation to their efficiency and sustainability, both in oral and written form, and an ability to work on related topics both individually and in groups.

AB – Pass with distinction

In order to achieve the highest grade the student must show excellent in-depth knowledge about the role of law in global production.

The student must be able to demonstrate excellent knowledge of the principles and techniques of organizing, governing and regulating fragmented production.

The student has to show excellent ability to:

- analyze the legal framework of new forms of production, such as global value chains and the platform and circular economies
- identify legal problems independently, and to critically and creatively systematize arguments
- analyze, compare and assess theoretical and practical problems within the context of organizing, governing and regulating new forms of production.

The student must show excellent ability to analyze the principles and techniques of organizing, governing and regulating new forms of production in terms of their legal and practical effects, such as in relation to their efficiency and sustainability, both in oral and written form, and an ability to work on related topics both individually and in groups, and take initiative in developing the legal discussion.

Entry requirements

Passed examination in courses corresponding to the first year of the Master's programme in European Business Law, amounting to at least 45 credits.

For students on the Professional Law Degree Programme the entry requirements for semesters 7 and 8 are outlined in the Programme syllabus (utbildningsplanen).

Exchange students must have passed at least two and a half years of law studies at

university level including basic knowledge of EU law.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions 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 practice in examinations or assessments, includes suspension from the University.

Subcourses in JAEN68, The European Union, Contract Law and Global Value Chains

Applies from H23

2301 Written Examination, 15,0 hp

Grading scale: Fail, Pass, Pass with credit, Pass with distinction