

Global Sales Law

UGRA_016230

Departments	Department of International, European Union and Comparative Law
Teaching Languages	English
ECTS	6
Teacher responsible	Tio Perez-Albert Verona - verona.tio@esade.edu

Course Goals

The student is expected to:

- Know the CISG as an instrument unifying a substantial part of the law of contracts for the international sale of goods.
- Know the structure of the CISG and its most salient features.
- Be familiar with the CISG databases and know how to seek for relevant information.
- Know the relationship between the CISG and Private International Law rules.
- Know the methods of uniform interpretation envisaged by the CISG.
- Know the influence exerted by the CISG on other international legal instruments and on reforming the law of contract for the sale of goods of domestic legal systems.
- Critically analyze the achievement of the underlying goal of the CISG of promoting legal certainty on international sales transactions.

Previous knowledge

It is advisable to have previous knowledge on contracts.

Prerequisites

None.

Teaching methodology

Teaching-learning methodology:

The course is based on lecture classes and active class participation. The sessions of the course combine both methods: a lecture on one of the themes of the syllabus of the course and active class participation by the student in the resolution of practical cases which will be posted previously on the course website, and will be discussed in class. This methodology ensures that the student will acquire autonomy and the ability for continuous learning.

Description

Short description

Since its adoption on April 11, 1980, the United Nations Convention on Contracts for the International Sale of Goods (the CISG) has achieved worldwide success. To date it has been enacted in 95 Contracting States, among them leading trade nations from different legal traditions. The course is focused on the international dimension of the contract of sale of goods and analyses the CISG from a Comparative law and practical perspective.

Bibliography

- I. Schwenzer, Commentary on the UN Convention on the International Sale of Goods (CISG), Oxford University Press (Book)
- I. Schwenzer, P. Hachem, P., Ch. Kee, Global Sales and Contract Law, Oxford University Press (Book)
- J.M. Lookofsky, Understanding the CISG: a compact guide to the 1980 United Nations Convention on Contracts for the International Sale of Goods, Kluwer Law International (Book)
- C.P. Gillette, S.D. Walt., The UN Convention on Contracts for the International Sale of Goods: Theory and Practice, .. Cambridge University Press (Book)

Content

#	Topic
1	The CISG a) History and background b) Overview and structure c) CISG and Private International Law
2	Interpretation a) Guidelines b) Gap filling c) The CISG Advisory Council and case law databases
3	Scope of application a) Contract of sale of goods b) Excluded issues c) International character d) Opting in & out: party autonomy
4	General rules a) Interpretation of declarations of the parties b) The parol evidence rule and the CISG c) Form requirements
5	Formation of the contract a) The unification of the traditional model of offer and acceptance b) Elements and dynamics of offer and acceptance c) The battle of the forms: which standard terms apply?
6	Obligations of seller and buyer a) Delivery of the goods and hanging over the documents b) Conformity of the goods c) Payment of the price d) Taking delivery
7	Remedies (I) a) The concept of breach of contract b) The concept of remedy c) Outline of the system of remedies
8	Remedies (II) a) Common law and civil law traditions reconciled: specific performance b) Avoidance of the contract c) Damages and penalty clauses
9	Exemptions from performance a) Impossibility of performance b) Exclusion of clausula rebus sic standibus c) Force majeure and hardship

Assessment

Tool	Assessment tool	Category	Weight %
Other	Active Class Participation	Retake and ordinary round	0.40%
Written and/or oral exams	Exam	Retake and ordinary round	0.60%

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)
113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)
DD05 Year 1 (Optative)