



Syllabus

European Contract Law

Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International Law
Educational and Professional Program – «International Law»

Study year – 4 Semestr – 8
Number of credits: 5, Language of study: English

Head of the course:

Assoc. prof. of the Department of International Law and Migration Policy, PhD, Assoc. prof.
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Description of the discipline

The purpose of the course «European contract law» is the formation of scientifically sound representations of European contract law and the familiarization with peculiarities, basic concepts, categories, institutes and branches of European contract law.

The task of studying the discipline «European contract law» is the mastering of students knowledge of the peculiarities and basic concepts, categories, institutions and branches of contract law in European Union; patterns of development of contractual relations, etc.

Name and description of competencies, the formation of which provides the study of discipline: the ability and readiness to use knowledge of the main categories of European contract law and the provisions of international legal acts, to choose and use methods of interpretation of legal norms, the ability to think logically, critically, creatively, scientifically analyze significant problems and processes of the legal sphere, to have a system of categories and methods necessary for the election and application of the current international legal norm of stagnation. To generalize scientific methods for solving various professional tasks.

Course structure

Hours (lec. /pract.)	Topic	Learning outcomes	Control measures
2 / 2	1. Foundations.	To understand the notion, aim, structure, sources and literature of the course..	Tests, questions, cases
2 / 2	2. Contract Law as Part of European Private Law.	To study the dualism of national and supranational law, contract Law in the Acquis Communautaire, selected legislation and case law, coherency of european contract law, the CESL as a codification..	Tests, questions

2 / 2	3 Core elements of contract.	To understand the concept of contract, types of contract, specific circumstances, mixed contracts, freedom of contract and good faith.	Tests, questions, cases
2 / 2	4. Conclusion and content of contracts.	Know the conclusion and content of contracts.	Tests, questions, cases
2 / 2	5. Right of withdrawal	To understand the overview, functions, legal nature of right of withdrawal.	Tests, questions
2 / 2	6. Exercise and effect of right of withdrawal	Know the exercise, effect of right of withdrawal.	Tests, questions, cases
2 / 2	7. Unfair contract terms.	To know the unfair contract terms and a citizen in the law of the European Union.	Tests, questions, cases
2 / 2	8. General Clause and the List of Unfair Terms	To understand the general clause and the list of unfair terms, Unfair Terms Directive as a compromise.	Tests, questions, cases
2 / 2	9. Unfair Terms Directive as a Compromise	Understand the Unfair Terms Directive as a compromise.	Tests, questions, cases
2 / 2	10. Performance obligations.	Distinguish and single out the forms of performance obligations, risk, features of long-term contracts.	Tests, questions, cases
2 / 2	11. Consequences of non-performance.	Know and understand the non-performance, remedies for the injured party, withholding performance, termination, price reduction, restitution.	Tests, questions, cases
2 / 2	12. Preclusion and prescription.	Understand the preclusion and prescription in European contract law.	Tests, questions, cases

Recommended sources

1. Arvind T.T., Steele J. Contract law and the legislature: autonomy, expectations, and the making of legal doctrine. Oxford etc.: Hart, 2020.
2. Basedow J. EU Private Law. Intersentia, 2021.
3. Catterwell R. A unified approach to contract interpretation. Oxford etc.: Hart, 2020.

4. Ebers M., Poncibò C., Zou M. Contracting and contract law in the age of artificial intelligence. Oxford etc: Hart, 2022.
5. European contract law and the creation of norms / Ed. By Stefan Grundmann, Mateusz Grochowski. Intersentia, 2021.
6. Gardiner C. Unfair contract terms in the digital age: the challenge of protecting European consumers in the online marketplace. Cheltenham, UK ; Northampton, Massachusetts : Edward Elgar Publishing, 2022.
7. Gardiner C. Unfair contract terms in the digital age: the challenge of protecting European consumers in the online marketplace. Cheltenham, UK ; Northampton, Massachusetts : Edward Elgar Publishing, 2022.
8. Garro A., Moreno R., José A. Use of the UNIDROIT principles to interpret and supplement domestic contract law. Cham: Springer, 2021.
9. Geert van Calster. European Private International law. Hart Publishing, 2021.
10. Grundmann S., Grochowski M. European contract law and the creation of norms. Cambridge; Antwerp; Chicago: Intersentia, 2021.
11. Hesselink M.W. Justifying Contract in Europe: Political Philosophies of European Contract Law. Oxford: Oxford University Press, 2021.
12. Hofmann O. Breach of contract: an economic analysis of the efficient breach scenario. Cham, Switzerland: Springer, 2021.
13. Kötz H., Mertens G., Weir T. European contract law. Oxford etc. : Oxford University Press. 2nd edition, 2020.
14. Mak V. Legal pluralism in European contract law. Oxford: Oxford University Press, 2020.
15. Noto La Diega G. Internet of things and the law: legal strategies for consumer-centric smart technologies. Abingdon U-K ; New York : Routledge, Taylor & Francis group, 2023.
16. Schulze R., Zoll F. European contract law. Baden-Baden München Oxford : Nomos C.H. Beck Hart Publishing, 2020.
17. Schwenger I., Muñoz E. Global Sales and Contract Law. Oxford: Oxford University Press, 2022.
18. Seppälä Ch. The FIDIC Red Book Contract : An International Clause-By-Clause Commentary. Alphen aan den Rijn : Wolters Kluwer Law International, 2023.

Information sources

- Official website of the European Union – https://europa.eu/european-union/index_en - <https://eur-lex.europa.eu/homepage.html>
- Official website of the Court of Justice of the European Union - https://curia.europa.eu/jcms/jcms/j_6/de/Офіційний_веб-сайт_Європейської_Комісії <https://ec.europa.eu/>
- European Court of Human Rights (official web portal) – <http://www.echr.coe.int/echr/>
- National Academy of Sciences of Ukraine (main portal)– <http://www.nas.gov.ua/Pages/default.aspx>
- National Academy of Legal Sciences of Ukraine – <http://www.aprnu.kharkiv.org/>
- National Institute of Strategic Studies under the President of Ukraine – <http://www.niss.gov.ua>
- Government portal (the only web portal of the executive authorities of Ukraine) – <http://www.kmu.gov.ua/control/>

Evaluation policy

- Policy on deadlines and rescheduling: Rescheduling of modules takes place with the permission of the dean's office if there are good reasons (for example, sick leave).
- Academic Integrity Policy: Copying during tests and exams is prohibited (including using mobile devices).
- Attendance Policy: Attendance is a mandatory component of assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final score (on a 100-point scale) from the internship is determined as a weighted average value, depending on the specific weight of each component:

Credit module 1	Credit module 2	Credit module 3	Total
30	40	30	100 %
Oral survey during classes (1-6 topics) - 6 points per topic - max. 36 points. Modular control work - max. 64 points	Oral survey during classes (7-12 topics) - 6 points per topic - max. 36 points Modular control work - max. 64 points	Preparation of CPIT - max. 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points	100

Student evaluation scale:

ECTS	Marks	Content
A	90-100	excellent
B	85-89	good
C	75-84	good
D	65-74	satisfactorily
E	60-64	enough
FX	35-59	unsatisfactory with the possibility of reassembly
F	1-34	unsatisfactory with a mandatory repeat course