



Civil Law Summer University

Presentation of the courses

Xavier Blanc-Jouvan

➤ Introduction to civil laws

The course focuses on the main features of the civil law systems as compared between themselves as well as with the common law systems (in particular English law). Special emphasis is placed on the following points :

- The **historical formation** of the civil law systems, from the fall of the Roman Empire to the great movement of codification which started in Europe in the XIXth century and is developing today throughout the world.

- The fundamental problem of the **sources of law**, with a distinction between primary sources (legislation, customs and general principles of law) and secondary sources (i.e. the creative function of the judge).

- The **structure** of the civil law systems : basic divisions and concept of "legal rule".

Final conclusions are drawn on "unity or diversity of the civil law systems".

Anna de Vita

➤ European and International Contract Law

The course deals with the topics of European Contract Law and International Commercial Contracts .

As to European Contract Law, the analysis concerns the problematic aspect of the diversity of legal systems and the significance of the General Principles of European Contract Law as conceived by the Lando Commission. The action of legal science and the debate on a European Code of Contracts will be discussed, focussing on the issue whether the harmonisation of laws is deemed necessary to establish a single market within the European Community.

As to the International Commercial Contracts, the inquiry explores the ratio and purposes of the UNIDROIT Principles for International Commercial Law. They undoubtedly have come to play a weighty role in the contemporary legal landscape, as numerous publications, but also numerous references in arbitral and judicial decisions and legislative projects reveal.

Laurence Folliot-Lalliot

➤ Public Contracts

Case study - laws and procedures dealing with the formation and performance of public contracts (public procurement and PPP), with a focus on common issues and challenges facing government procurement systems across the world (e.g. protectionism v. trade and investment agreements, anti-corruption policies). Students will gain a familiarity with the concept of public contracts, international bidding processes and contract clauses covering contractual issues and conflict resolutions such as arbitration. Readings and materials will bring comparative analysis of the approaches taken by the E.U. system, the U.S. federal system, Regional Trade Zones in Africa, World Trade Organization (WTO), United Nations Commission on International Trade Law (UNCITRAL), International Financial Institutions such as the World Bank Group, and professional organizations.

Galina Zukova

➤ Settlement of international disputes

The course aims to provide students with a basic introduction to the theory and practice of international arbitration, the preferred method of dispute resolution in international commerce. It will familiarise the students with the framework of international treaties, national law and soft law instruments that undergird the international arbitral system, and introduce such key concepts in international arbitration, as arbitration agreements, place of arbitration, arbitrators, constitution of the arbitral tribunal, interim measures, arbitral awards, arbitration and state courts, among others. The course also intends to familiarize the students with the procedural aspects of the arbitration system organised under the auspices of the International Chamber of Commerce (ICC), which is headquartered in Paris.

Marta Infantino

➤ Comparative European Civil Liability law

The course aims at providing a framework for analyzing and understanding the current state of tort law in most of the world's legal systems. The course will first examine tort law theories and cultures. It will then focus on specific features of Western jurisdictions, analysing fault liability regimes and rules on recoverability of pure economic losses.