

International Private Law Applied to Business (Master Year 1 / Fall)

**Master in International and European Business Law / Faculty of
Social Sciences, Economics and Law**

Introduction

The discipline of private international law provides today for the most effective methods of coordination between legal orders. Despite the existence of different supranational instruments of uniform law attempting to govern international trade and global commercial relations, it appears that the States of every continent are not ready to accept systematic uniform treatment of civil and commercial relations. Even within the EU, Member States do not seem prepared to give up their own views and to do away with the conflict of laws technique. Beyond the antiquated notions of the so-called "neutrality" of private international law and of the purely geographic character of the "conflict-of-laws justice" which it ensures, the fundamental rights' dimension of private international law emerges also and very acutely, in business law. Functioning as the mediator between national legal cultures, private international law offers a sophisticated language through which politically organized communities can communicate, validate common values, overcome divergencies, conceive the most effective solutions to minimize conflicts, arrange private and public interests in cross-border situations and thereby contribute to the freedom, prosperity and happiness of human beings at large. Since the 1968 Brussels Convention and even more so after the 1997 Amsterdam Treaty, the use of private international law as a tool for significantly accelerating the promotion of European values has proven successful and promoted a deeper reflection on fundamental rights. It is thus the aim of this course to explain the basics of private international law for responsible and prosperous business conduct, to demystify research avenues driven by economic interests and to focus on the true challenges of global governance via a sound knowledge of the most effective methods of coordination between legal orders.

Students will learn how to guide an international business relationship towards the conclusion of a contract, being aware of four basic issues:

What is the law applicable to such a contract?

Which authority can successfully exercise international jurisdiction in the event of a dispute?

Which states will recognise and enforce the foreign judgment? What due diligence rights need to be considered?

Duration

1 semester

Teaching languages

- English

Conditions of submission

If you need more information about this course, kindly send an email to: incomingdri@icp.fr

Objectives

This course aims to provide the students with the fundamental aspects of private international Law needed to embrace a professional career as attorneys at law or legal counsel by:

- Identifying the applicable regulation to private international contracts among:
 - National Laws;
 - European regulations;
 - International treaties.
- Comparing available private international Law instruments.
- Introducing international and comparative law methods in civil and commercial matters.
- Using this comparative approach to identify possible ways to improve the legal framework.

This course will be structured as follows:

- I. Introduction to Private International Law
- II. International jurisdiction
- III. Applicable law
- IV. Recognition and enforcement of foreign judgements
- v. International Cooperation and Human Rights Due Diligence

Admission

Prerequisite

Prerequisites training

None.

Program

Course Materials

Books:

M.-E. Ancel, P. Deumier, M. Laazouzi, Droit des contrats internationaux, 2020 or any manual of French Private International Law (e.g. Marie-Laure Niboyet, Géraud de Geouffre de la Pradelle, Samuel Fulli-Lemaire, 2023/ Bernard Haftel, 2023/ Pascal de Vareilles Sommières, Sarah Laval 2023/ Bernard Audit, Louis D'Avout, 2022/ etc.)

Analysis of cases:

During the classes students will be presented with real or artificial cases to be solved collectively in groups or individually.

Personal Research:

Students may volunteer to completing a short personal research.

Assessment and Final Grade

This is a compulsory 20-hour course. Please notice that special attention will be given to student's attendance which can affects their final mark.

This course will be evaluated at the end of the 20 hours through an oral assessment which will include a theoretical question (5 minutes) and the solution of a case study (10 minutes).



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