



COURSE UNIT (MODULE) DESCRIPTION

| Course unit (module) title | Code |
|---------------------------------------------|------|
| COMPARATIVE CONCEPTS OF CONTRACT LAW | |

| Lecturer(s) | Department(s) |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coordinator: Prof. Dr. Asta Dambrauskaitė Other(s): | Vilnius University, Faculty of Law, Department of Private Law Sauletekio av. 9, Building 1, LT-10222, Vilnius, 311 room, phone (8 5) 236 6170, e-mail: ptkatedra@tf.vu.lt |

| Study cycle | Type of the course unit (module) |
|-------------|----------------------------------|
| Second | Optional |

| Mode of delivery | Course unit delivery period | Language(s) of instruction |
|------------------|-----------------------------|----------------------------|
| Face-to-face | Spring semester | English |

| Requirements for students | |
|------------------------------------------------|----------------------------------|
| Pre-requisites: Civil law, legal theory | Co-requisites (if any): - |

| Number of credits allocated | Total student's workload | Contact hours | Self-study hours |
|-----------------------------|--------------------------|---------------|------------------|
| 5 | 125 | 32 | 93 |

| Purpose of the course unit (module): programme competences to be developed | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <p>The aim of the course is to provide students with the possibility to get advanced knowledge about the core concepts of contract law in a comparative perspective, focusing on the implications that transnational soft law instruments, recent national law reforms as well as European Union law have on private law of a particular jurisdiction. By confronting and comparing various national law solutions (prevailing in jurisdictions such as France, Germany, the Netherlands, England and Lithuania) students are expected to develop their analytical and critical thinking, independent judgement and creativity, enabling them to solve complex contractual problems.</p> | | |
| Learning outcomes of the course unit (module) | Teaching and learning methods | Assessment methods |
| Students will be able to apply comparative method as one of the methods of legal argumentation and will be able to understand the rationale behind the national rules on contract formation, performance, remedies for breach, etc., also will be able to view national contract law rules as being one of the many possible solutions to a particular legal problem. | Lectures Seminars Individual work | Problem solving tasks. Research paper. Participation in discussion. |
| Students will be able to systemically analyse and critically interpret the major recent developments related to the efforts of harmonisation and/or unification of European contract law, recent national contract law reforms, as well as major developments linked to the impact of European Union law on private law of various European jurisdictions. | Lectures Seminars Individual work | Situation analysis. Research paper. Participation in discussion. |
| Students will be able to apply knowledge in the field of comparative contract law that would be pertinent while drafting contracts and enabling to reach theoretically sound and reliable solutions to the problems arising in the national and transnational contexts in regards to different stages of a life-cycle of a contract. | Case study Problem based learning Cooperative learning | Problem solving tasks. Research paper. Participation in discussion. |
| Students will be able to argue their position in written or orally based on the theoretical knowledge of contract law rules and case-law analysis in various jurisdictions and convey their ideas in a critical and reasonable manner. | Individual work Inquiry based learning Case study | Self-assessment. Problem solving tasks. Research paper. Participation in discussion. |

| Content: breakdown of the topics | Contact hours | | | | | | | Self-study: hours and assignments | |
|-----------------------------------------------------------------------------|---------------|---------------|-----------|--------------------|-----------------------|---------------------------|---------------|-----------------------------------|-----------------------------------------------------|
| | Lectures | Consultations | Seminars | Practical sessions | Laboratory activities | Internship/work placement | Contact hours | Self-study hours | Assignments |
| 1. Introduction to Methodology of Comparative Contract Law | 2 | | | | | | 2 | 4 | Analysis of legal doctrine, legal acts and case law |
| 2. Concept of Contract and Contract Theories | 2 | | 2 | | | | 4 | 4 | Analysis of legal doctrine, legal acts and case law |
| 3. Pre-Contractual Stage | 2 | | 2 | | | | 4 | 4 | Analysis of legal doctrine, legal acts and case law |
| 4. Formation of Contract | 2 | | 2 | | | | 4 | 6 | Analysis of legal doctrine, legal acts and case law |
| 5. Formalities in Contract Formation | 2 | | | | | | 2 | 2 | Analysis of legal doctrine, legal acts and case law |
| 6. Interpretation of Contract | 2 | | | | | | 2 | 4 | Analysis of legal doctrine, legal acts and case law |
| 7. Nullity of Contract | 2 | | 2 | | | | 4 | 6 | Analysis of legal doctrine, legal acts and case law |
| 8. Performance of Contract | 2 | | 2 | | | | 4 | 6 | Analysis of legal doctrine, legal acts and case law |
| 9. Remedies for Breach of Contract | 2 | | 2 | | | | 4 | 6 | Analysis of legal doctrine, legal acts and case law |
| 10. Impact of General Principles of EU Law on Core Concepts of Contract Law | 2 | | | | | | 2 | 6 | Analysis of legal doctrine, legal acts and case law |
| | | | | | | | | 20 | Preparation of research paper |
| | | | | | | | | 25 | Preparation for the examination |
| Total | 20 | | 12 | | | | 32 | 93 | |

| Assessment strategy | Weight, percentage | Assessment period | Assessment criteria |
|-----------------------------------------|--------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Performance of tasks during the classes | 20 | During the semester | Efficient and active participation in discussions during the classes (providing correct answers to questions, formulating problems and suggesting (searching for) solutions, offering thoughtful critical remarks, contributing to other participants' ideas, etc.) |
| Research paper | 20 | During the semester | Assessment of a written analysis of a given topic consists of: - work content (comprehensive problem analysis, proper source application, critical analytical thinking, conclusion/recommendation formulation); - work structure and style (clear structural parts, scientific language style, exact wording, source references, proper and ethical use of citations). |
| Examination | 60 | At the end of semester | Written analysis of two problems related to particular contractual situations. Students will be expected to demonstrate both the knowledge gained during the course as well as their abilities to apply comparative method in a given situation. |

| Author | Year of publication | Title | Issue of a periodical or volume of a publication | Publishing place and house or web link |
|---------------------------|---------------------|----------------------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Compulsory reading | | | | |
| Beale, H., et al. | 2010 | Cases, Materials and Text on Contract Law. 2nd ed. | | Oxford and Portland, Oregon: Hart Publishing |
| Kadner Graziano, Th. | 2009 | Comparative Contract Law: Cases, Materials and Exercises | | Palgrave Macmillan |
| Arthur Hartkamp | 2016 | European Law and National Private Law | | Cambridge: Intersentia http://intersentia.com/en/european-law-and- |

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| | | | | national-private-law.html |
| Jacobien Rutgers, Pietro Sirena (eds.) | 2015 | Rules and Principles in European Contract Law | | Cambridge: Intersentia http://intersentia.com/en/rules-and-principles-in-european-contract-law.html |
| Kadner Graziano, Th. | 2013 | Is It Legitimate and Beneficial for Judges to Use Comparative Law? | European Review of Private Law 3-2013 [687–716]. | |
| Mikelėnas V. | 2008 | The Influence of Instruments of Harmonisation of Private Law upon the Reform of Civil Law in Lithuania | (2008) Juridica International, XIV t., 143-150 p. | |
| Mikelėnas V. | 2011 | Unexpected Circumstances in Lithuanian Law, Unexpected Circumstances in European Law (eds. E. Hondius, H.Ch. Grigoleit) | | Cambridge: Cambridge University Press, 81-88; 191-193; 230-232; 263-264; 284-285; 306-307; 335-336; 370-374; 413-414; 437-438; 458-483-485; 515-516; 541; 574-576; 613-615 p. |
| Neil H. Andrews | 2016 | Contract Rules. Decoding English Law | | Cambridge: Intersentia http://intersentia.com/en/contract-rules.html |
| Selelioniūtė-Drukteinienė, S.; Jurkevičius, V. & Kadner Graziano, Th. | 2013 | The Impact of the Comparative Method on Lithuanian Private Law | European Review of Private Law 4-2013 [959–990]. | |
| Tikniūtė, A.; Dambrauskaitė, A. | 2011 | Understanding Contract under the Law of Lithuania and Other European Countries | Jurisprudencij a. 2011, 18(4): 1385-1411. | https://www3.mruni.eu/ojs/jurisprudence/article/view/85/79 |
| Vogenauer, S. | 2015 | Commentary on the UNIDROIT Principles of International Commercial Contracts (PICC) | | Oxford: Oxford University Press |
| Stephen Weatherill | 2016 | Contract Law of the Internal Market | | Cambridge: Intersentia http://intersentia.com/en/the-competence-of-the-eu-to-intervene-in-private-especially-contract-law.html |
| Recommended reading | | | | |
| Baranauskas, E.; Zapolskis, P. | 2009 | The effect of change in circumstances on the performance of contract | Jurisprudencij a. 2009, 4(118), p. 197-216. | https://www3.mruni.eu/ojs/jurisprudence/article/view/1531/1470 |
| Kötz, H.; Flessner, A. | 2002 | European Contract Law. Vol. 1. Formation, Validity and Content of Contracts. Contract and Third Parties | | Oxford: Clarendon Press |
| Mikelėnas V. | 2007 | The Common Core Project and the Lithuanian Private Law System Opening up European Law. The Common Core Project Towards Eastern and South Eastern Europe. (eds. Bussani M., Mattei U.) | | Berne: Stämpfli Publishers, Ltd, 195-206 p. |
| Mikelėnas V. | 2005 | The Main Features of the New Lithuanian Contract Law System Based on the Civil Code of 2000. | | Juridica International, X t., 42-50 p. |
| Reiman, M.; | 2008 | The Oxford Handbook of | | Oxford: Oxford |

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| Zimmermann R. | | Comparative Law | | University Press |
| Schlechtriem, P.; Schwenzer, I. | 2005 | Commentary on the UN Convention on the International Sale of Goods (CISG) | | Oxford, New York: Oxford University Press |
| Sophie Stijns, Sanne Jansen | 2016 | The French Contract Law Reform: a Source of Inspiration? | | Cambridge: Intersentia http://intersentia.com/en/the-french-contract-law-reform-a-source-of-inspiration.html |
| Study Group on a European Civil Code and the Research Group on EC Private Law (Acquis Group). | 2009 | Principles, Definitions and Model Rules of European Private Law. Draft Common Frame of Reference (DCFR). Full Edition. Vol. 1. | | Munich: Sellier. European Law Publishers |
| Zweigert, K.; Kötz, H. | 1998 | An Introduction to Comparative Law | | Oxford: Oxford University Press |