

## 6.2 Module 2: International Commercial Law

### 6.2.1 Headline Information about the module

<b>Module title</b>	International Commercial Law
<b>Module NFQ level (only if an NFQ level can be demonstrated)</b>	Level 9
<b>Module number/reference</b>	MIBL- ICL
<b>Parent programme(s) the plural arises if there are embedded programmes to be validated.</b>	LLM in International Commercial Law
<b>Stage of parent programme</b>	1
<b>Semester (semester1/semester2 if applicable)</b>	1 (core)
<b>Module credit units (FET/HET/ECTS)</b>	ECTS
<b>Module credit number of units</b>	10
<b>List the teaching and learning modes</b>	Full-time, part-time
<b>Entry requirements (statement of knowledge, skill and competence)</b>	Learners should normally hold an approved honours degree in business, law or related discipline or equivalent qualification from an approved tertiary/or professional institution.
<b>Pre-requisite module titles</b>	Not Applicable
<b>Co-requisite module titles</b>	Not Applicable
<b>Is this a capstone module? (Yes or No)</b>	No
<b>Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)</b>	Lecturers qualified to at least a level 9 legal qualification (LLM), preferably with a third level teaching qualification (e.g. Certificate in Training and Education).
<b>Maximum number of learners per centre (or instance of the module)</b>	60
<b>Duration of the module</b>	12 weeks
<b>Average (over the duration of the module) of the contact hours per week (see * below)</b>	2.5
<b>Module-specific physical resources and support required per centre (or instance of the module)</b>	Normal lecture room with internet access and good-quality audio-visual equipment.

Analysis of required learning effort		
Effort while in contact with staff	Minimum ratio teacher / learner	Hours
Classroom and demonstrations	1:60	30
Monitoring and small-group teaching		
Other		
Independent Learning		
Directed e-learning (hours)		
Independent Learning (hours)		220
Other hours (group project)		
Work-based learning hours of learning effort		
<b>Total Effort (hours)</b>		<b>250</b>

Allocation of marks (within the module)					
	Continuous assessment	Supervised project	Proctored practical examination	Proctored written examination	Total
Percentage contribution	50			50	100%

### 6.2.2 Module aims and objectives

Typical international commercial transactions involve numerous contracts over national boundaries. The objective of the module is to make participants familiar with the key contracts and institutions in international commerce. Learners examine private international law (conflict of laws) issues, international contract terms (INCOTERMS), and the Nations Convention on Contracts for the International Sale of Goods (CISG) and UNIDROIT principles as they apply to international contracts. Attention is paid to the role of the WTO as it is considered one of the most important developments in the history of international trade law. GATT is another significant area upon which there is significant focus.

### 6.2.3 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) demonstrate advanced knowledge of the process by which international contracts are drawn up
- (ii) appraise the relevant legal provisions applicable to international contracts
- (iii) critically comment on the effect of international treaties on international contracts
- (iv) demonstrate in-depth knowledge of the concept of the legal system governing international trade with a central focus on WTO and the General Agreement on Tariffs and Trade
- (v) present a critical awareness of the world trading system
- (vi) critically evaluate European trade law and its effect on trade in other EU member states.

### 6.2.4 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

International commercial law provides learners with a grounding in both procedural aspects of the law (i.e. rules of jurisdiction and choice of law) and substantive aspects of the law (i.e. WTO rules, Incoterms, Insurance law). Accordingly, learners are equipped with useful and practical knowledge of the main aspects of international commercial law. Learners will be able to contribute positively to solving practical legal problems arising in international commercial law. This area of law continues to evolve and is therefore a contemporary area of study.

### **6.2.5 Information provided to learners about the module**

Learners receive the following resources and materials in advance of commencement:

- module descriptor
- module learning outcomes
- assignment briefs
- assessment strategy
- reading materials
- class notes (on a weekly basis).

Additionally, this material is made available through Moodle, the college VLE, along with other relevant resources and activities.

### **6.2.6 Module content, organisation and structure**

International Commercial Law is taught and assessed over one academic semester. The module is delivered over 12 lecture sessions of 2.5 hours' duration.

The topics covered in the module are:

- key concepts in international trade transactions
- private international law (conflict of laws) issues
- international contract terms (INCOTERMS)
- international commercial contracts under major international regimes
  - Part I: CISG principles
- International Commercial Contracts under Major International Regimes
  - Part II: UNIDROIT Principles
- Contracts for Carriage by Sea, Air and Land
- The World Trade Organisation
- GATT
- Means of Payment in International Trade
- Insurance Issues in International Trade

### **6.2.7 Module teaching and learning (including formative assessment) strategy**

The module is delivered by means of structured and participative style lectures. The learners are assigned reading the week before each class, and some learners are asked to lead the discussion of the material.

The lecturer regularly encourages small group formation to discuss nascent research questions and appropriate methodology strategies.

Formative assessment is provided in the form of interactive exercises such as directed class discussions, debate and group exercises with reference to the module curricular and current affairs in the field at the time of instruction.

### **6.2.8 Work-based learning and practice-placement**

There is no practice-placement element within this module.

### **6.2.9 E-learning**

Moodle, the College VLE, is used to disseminate notes, advice, and online resources to support the learners.

### 6.2.10 Module physical resource requirements

Normal lecture room with internet access and good-quality audio-visual equipment. All learners have access to an extensive range of 'actual' and 'remote access' library resources. The library monitors and updates its resources on an ongoing basis, in line with the college's Library Acquisition Policy.

### 6.2.11 Reading lists and other information resources

#### Primary Reading

*Mo, J. (2015) International Commercial Law. 6th ed., LexisNexis, New York.*

#### Secondary Reading

*Aughen, S. (2015) Shipping Law. 6th ed. Routledge, Abingdon*

*August, R., Mayer, D., Bixby, M. (2013) International Business Law: Text Cases and Readings. 6<sup>th</sup> ed. Pearson Education*

*Carr, I. (2015) International Trade Law. 6th ed. Cavendish, Singapore*

*Davies, I. (2019) Issues in International Commercial Law. 1st ed. Routledge*

*Fentiman, R. (2015) International Commercial Litigation. 2nd ed. Oxford Publishing, Oxford*

*Murray, C. et al. (2012) Schmittoff: Export Trade: The Law and Practice of International Trade. 12th ed., Sweet & Maxwell, London*

*Wilson J. (2010) Carriage of Goods by Sea. 7th ed. Blackstone, Ashland.*

### 6.2.12 Specifications for module staffing requirements

Lecturers qualified to at least a level 9 legal qualification and preferably a third level teaching qualification (e.g. Certificate in Training and Education).

### 6.2.13 Module summative assessment strategy

During the semester learners are presented with an essay choice and asked to compose a 5,000 word essay. Final summative assessment comprises a three-hour examination which covers the breadth of the module and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learnt throughout.

The assessed work breakdown can be seen in the table below.

No.	Description	MIMLOs	Weighting
1	Individual essay	(iii), (v), (vi)	50%
2	Closed book examination	(i), (ii), (iv)	50%

### 6.2.14 Sample assessment materials

Please see Sample Assessment Handbook.