



## COURSE UNIT DESCRIPTION

Course unit title	Code
<b>EUROPEAN PRIVATE LAW</b>	

Lecturer(s)	Department(s)
<b>Coordinator:</b> lect. dr. Stasys Drazdauskas <b>Other(s):</b> asist. dr. Victor Terekhov	Private Law Department, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, LT-10222, Vilnius, Room 311, tel. (85)2366170; e-mail: ptkatedra@tf.vu.lt

Study cycle	Type of the course unit
Second	Compulsory (track – Business Law)

Mode of delivery	Course unit delivery period	Language (s) of instruction
Face-to-face	1 semester (autumn)	English

Requirements for students	
<b>Pre-requisites:</b> Knowledge of legal theory, general introduction to Civil Law, Law of Obligations, EU legal system	<b>Co-requisites (where they are):</b> -

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit: programme competences to be developed		
The course unit aims at gaining the profound knowledge about the level of harmonisation of Private Law in Europe by equipping students with advanced understanding of initiatives and projects related to harmonisation of general norms and individual European Private Law institutions (Conflict of Law, Contract Law, Non-contractual Obligations, Consumer Law). Students will develop abilities to analyse and interpret EU institutional legislation, soft-law projects, as well as case law and to apply legal competencies in professional activities within European context.		
Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
- Students will be able to explain and interpret the problematics of the theory of Private Law and will develop critical approach towards interaction between Private Law and EU Law	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study
- Students will be able to describe legal nature, methodology and substance of harmonisation initiatives and projects of Private Law;	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study
- Students will be able to assess challenges and obstacles faced by Private Law in Europe (and in the global context) and provide innovative strategies for solutions	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study

<ul style="list-style-type: none"> <li>- Students will be able independently analyse and evaluate the problematics of legal regulation of individual institutes of Contract Law, i.e. they will be able to identify the problematic aspects determining the content of the proposed rules for harmonization of Contract Law, particularly in soft-law instruments (<i>Common Frame of Reference, the Principles of European Contract Law, the UNIDROIT Principles of International Commercial Contracts</i>), as well as in legal acts (<i>EU Directives and Regulations, United Nations Convention on Contracts for the International Sale of Goods</i>)</li> </ul>	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study
<ul style="list-style-type: none"> <li>- Students will be able to systemically analyse and make ethic evaluation of case law in support of their legal decisions</li> </ul>	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study
<ul style="list-style-type: none"> <li>- Students will be able to analyse complex practical situations as regards contractual legal relations, identify problematic issues, qualify legal relations, apply appropriate legal norms, and rely on case-law for argumentation of judgments and qualified legal advice in specific situations</li> </ul>	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study
<ul style="list-style-type: none"> <li>- Students will analyse the essence, problems and the content of the on-going reforms of the EU legal regulation of consumer contracts</li> </ul>	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study
<ul style="list-style-type: none"> <li>- Students will be able to enhance acquired knowledge and abilities independently, <i>inter alia</i>, to use legal information databases and other sources, to select relevant theoretical and practical material, and to substantiate their own conclusions by the achievements of jurisprudence</li> </ul>	Lectures (problem-based teaching), seminars (group discussion, situation modelling, case study, presentations, solution of practical cases), individual work (search of information, study and analysis of literature and legal acts, preparation of presentations)	Oral presentation, Test, Case study

Content: breakdown of the topics	Contact hours						Self-study: hours and assignments		
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work	Contact hours	Self-study hours	Assignments
1. Theory of Private Law	1		-				1	5	Preparation for discussion, analysis of legal doctrine and legal acts, individual research

2. History of Private Law	1		-				<b>1</b>	<b>5</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research
3. Approximation of Private Law at the national and global levels	2		1				<b>3</b>	<b>8</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research
4. Approximation of Private Law in the European Union	2		1				<b>3</b>	<b>8</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research, solution of cases
5. Private International Law of the European Union	1		2				<b>3</b>	<b>7</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research, solution of cases
6. European Contract Law: main features	1		2				<b>3</b>	<b>7</b>	Analysis of legal doctrine and legal acts, solution of cases
7. Formation of contracts. Representation in contractual relations	2		2				<b>4</b>	<b>8</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research, solution of cases
8. Validity of contracts. Contents of contracts	2		2				<b>4</b>	<b>8</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research, solution of cases
9. Performance of contracts. Remedies for non-performance	2		3				<b>5</b>	<b>10</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research, solution of cases
10. Consumer contracts in EU Private Law	2		3				<b>5</b>	<b>10</b>	Preparation for discussion, analysis of legal doctrine and legal acts, individual research
								<b>25</b>	Preparation for the examination
<b>Total</b>	<b>16</b>		<b>16</b>				<b>32</b>	<b>101</b>	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Oral presentation	40	During the semester	<p>Preparation of an oral presentation on one of the course topics and its delivery before the class. The author analyses a particular institute or a problem of European Private Law in a comparative context and proposes his solutions to the known issues. The speech must reflect the profound theoretical knowledge acquired during the semester, ability to search and find independently relevant material, structure and convey it in a clear and concise manner.</p> <p>Evaluation system:</p> <ul style="list-style-type: none"> <li>- 4 points: the extent of the analysis is full, all the required sources were used, the speech is clear and consistent, student is able to answer the questions and propose solutions;</li> <li>- 3 points: the extent of the analysis is sufficient, not all of the required sources were used, the speech is consistent, but requires clarifications, student is able to answer most of the questions and propose solutions;</li> <li>- 2 points: the extent of the analysis is insufficient and certain research questions are omitted, some of the important sources were not used, the speech is inconsistent, but follows a certain pattern, student is not able to answer the most relevant questions on his/her topic;</li> <li>- 1 point: the extent of the analysis is insufficient and/or the student explores the questions that do not belong to his topic,</li> </ul>

			the chosen sources are irrelevant to the topic (or the author does not reference any sources), the speech is unclear and inconsistent, student is not able to answer even the simple questions on his/her topic; - 0 points: the analysis is not performed in full and/or presented in the class
Examination	Test	20	At the end of the course 20 questions (multiple choice, matching and open ended) to be answered. The questions include all topics covered in the course and check the level of knowledge of the students upon its completion. It is not allowed to use any external sources while answering the test. Each correct answer values 1 point (20 maximum points) Students solve 4 practical situations (corresponding to 4 main study blocks of the course: Contract Law, Non-contractual Obligations, Private International Law and Consumer Law). The use of any sources is allowed (the ability of the students to quickly find, analyse and apply case law to practical problems is evaluated). For a correct, reasoned, clearly stated and detailed solution of each practical situation student gets 10 points (40 maximum points). Evaluation system: - 9-10 points: the answer is correct, clear and concise, justified by references to legal instruments and case law; - 7-8 points: the answer is correct, expressed in an understandable manner, contains references to some (not all of the applicable) legal instruments and case law. The student may not have considered one of the possible solutions to the situation; - 4-6 points: the answer is partially correct, expressed in a satisfactory manner, does not contain references to some of the important sources or partially refers to the sources that are not relevant for the case; - 0-3 points: the answer is mostly not correct, presented in a vague manner, does not contain references to important legal instruments or case law, contain references only to unapplicable sources or does not contain references at all
	Case study	40	

Author	Year of publication	Title	Issue of periodical or volume of publication	Publishing place and house or web link
<b>Compulsory reading</b>				
ED. BY VON BAR, CHRISTIAN; CLIVE, ERIC, AND SCHULTE-NÖLKE, HANS	2009	Principles, Definitions and Model Rules of European Private Law Draft Common Frame of Reference (DCFR). Full edition.	Vol. 1	Dissen: Sellier. Outline edition available at: <a href="http://ec.europa.eu/justice/contract/files/european-private-law_en.pdf">http://ec.europa.eu/justice/contract/files/european-private-law_en.pdf</a>
HESELINK, MARTIJN W.	2008	The Common Frame of Reference as a Source of European Private Law	Vol. 83 (4)	Tulane Law Review
KÖTZ, HEIN	2017	European Contract Law (Second Edition)		Oxford: Oxford University Press
CHEREDNYCHENKO, OLHA	2020	Rediscovering the public/private divide in EU private law	Vol. 26	European Law Journal
BASEDOW, JÜRGEN	2021	EU Private Law: Anatomy of a Growing Legal Order		Cambridge: Intersentia

Recommended reading				
TWIGG-FLESNER, CHRISTIAN	2008	The Europeanisation of Contract Law		London: Routledge-Cavendish
TAJTI, TIBOR	2013	The Unfathomable Nature and Future of the European Private Law Project	Vol. 2	China-EU Law Journal
GALÁN, ALEXIS; LAW STEPHANIE	2016	The Emergence of European Private Law and the Plurality of Authority	Vol. 7, No. 4	Transnational Legal Theory
ED. BY GRUNDMANN, STEFAN	2018	European Contract Law in the Digital Age		Cambridge: Intersentia
ED. BY VON HEIN, JAN; KIENINGER, EVA-MARIA AND RÜHL, GIESELA	2019	How European is European Private International Law?		Cambridge: Intersentia
ED. BY SLAKOPER, ZVONIMIR; TOT, IVAN	2021	EU Private Law and the CISG: the Effects for National Law		London: Routledge