COURSE UNIT (MODULE) DESCRIPTION

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

Lecturer(s)	Department(s)
Coordinator: assist. dr. Victor Terekhov **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		
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.		
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	Examination (problem solving tasks). Terminology related work. 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. Terminology related work. 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	Examination (problem solving tasks). Terminology related work. 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. Examination (problem solving tasks). Terminology related work. 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 terminology related work
								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	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.).
Written task	20	During the semester	Work in written on terminology in the area of contract law in a comparative context.
Examination	60	At the end of semester	Written analysis of legal issues related to a particular contractual situation. 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 practical 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.	2019	Comparative Contract Law: Cases, Materials and Exercises. 2nd ed.		Edward Elgar Publishing
Hartkamp, A.	2016	European Law and National Private Law		Cambridge: Intersentia http://intersentia.com/en/european-law-and-national-private-law.html
Rutgers, J., Sirena, P. (eds.)	2015	Rules and Principles in European Contract Law		Cambridge: Intersentia http://intersentia.com/en/r

				ules-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; 458483-485; 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
Selelionytė-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].	
Smits, J.	2021	Contract Law: A Comparative Introduction		Edward Elgar Publishing
Tikniūtė, A.; Dambrauskaitė, A.	2011	Understanding Contract under the Law of Lithuania and Other European Countries	Jurisprudencija. 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), 2nd ed.		Oxford: Oxford University Press
Weatherill, S.	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	Jurisprudencija. 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.; Zimmermannm R.	2008	The Oxford Handbook of Comparative Law		Oxford: Oxford University Press

Rowan, S.	2022	The New French Law of Contract		Oxford: Oxford 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