

UNIVERSITE TOULOUSE I – SCIENCES SOCIALES

Master Droit International et Comparé

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Master of International and Comparative Law

Presentation of the courses

Université Toulouse I

Master in international and comparative law

2nd year of the Master, a basis for a European degree

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The curriculum provides 60 ECTS under the specialization “international and comparative law”. It constitutes the 2nd year of the Master degree, namely the 5th year in University or the 9th and 10th semesters of the curriculum.

A stay abroad in a European country is made possible and should be recommended for the whole of the period (2 semesters) or for one semester only, namely after the mandatory courses, the optional courses and the dissertation (last semester). In this case the Master degree will take into account the period abroad. A joint degree may be given to the student and perhaps in the future, a European degree.

This exchange may also lead to a doctorate thesis jointly directed and recognized by 2 universities. The exchange should be made on the basis of reciprocity (same number of students for each university involved in the exchange).

The students have to attend the mandatory courses (1st unit) and choose one option among the optional courses (2d unit) ; they also have to write a dissertation (3d unit).

General presentation of the cursus

1st Unit

Mandatory Courses (home university or abroad)

- Relation between the various laws - S. POILLOT PERUZZETTO	5
- Founding principles in EEC and European law - J. MOLINIER	5
- Law and practice of WTO - H. KENFACK and O. BLIN	5
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2nd Unit

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1st Unit

Mandatory Courses (home university or abroad)

This first unit deals with the main elements necessary for the managing of any European or international situation. It covers the main sources (international, European, national, soft law), the various methods (unification, harmonization, coordination by private international law or by the European method of recognition and principle of equivalence, use of fundamental principles). It also covers the necessary basis for the comparison of law systems and legal elements, through a course about the method used in comparative law.

It aims to give some knowledge about the main differences between common law and civil law.

The courses are provided mainly in French in Toulouse but some are taught in English (depending on the subject).

These mandatory courses are taught during the first semester. As they may be provided by another European university, a transfer of credit should be admitted when there is an exchange of students.

This unit provides the necessary basis for a more detailed approach on a specific subject (unit 2) and for the personal research in relation to the drafting of a paper (unit 3).

Course Content :

- Relation between the various laws - (15h – 4 ECTS)

S. POILLOT PERUZZETTO, Professor

This course deals with the various relations between national, international and European law. The introduction deals with the elements of the issue, the various actors and the context of the relation between the various laws ; the first part deals with the means to avoid the conflict between various laws namely the search for uniform laws ; the second part deals with the means to reduce the conflict namely the harmonization, particularly through the European directives ; the third part deals with the means used in case of conflict namely the primacy principle (for example for the relation between an international convention and the national law or for the relation between European law and national law of a member state) or the coordination through conflict of law rules or in the recognition principle ; in both cases, the distinction has to be made between conflict of national law of European member states and conflict of national laws of non European states. *(French language)*

- Founding principles in EEC and European law - (15h –4 ECTS)

J. MOLINIER, Professor

This course deals with the main general principles common to the various legal orders, whatever the source (international, European and national). The introduction deals with the notion and the functions of general principle in law, the first part deals with the position of the principles in the various doctrines ; the second part deals with its position within the European legal order, the third part deals with the diffusion of the principles between the various legal orders ; the fourth part deals with the specific issue of the principles in relation to contracts (Unidroit and Lando commission). *(French language)*

- Law and practice of WTO - (15h –4 ECTS)

H. KENFACK, Professor and O. BLIN, Maître de Conférences

This course is divided within 4 issues : general presentation of WTO (institutions and activities), the relations between WTO and EU (institutions and relation between the various laws), settlement system, crisis and reforms. *(French language)*

- Private international law - (20h – 3 ECTS)

S. POILLOT PERUZZETTO, Professor

This course firstly deals with the position of the conflict of law method among the other methods used in an international context and put forward the various incidences of the EEC system and laws on the classical conflict of laws method.

The main issues are therefore studied within this context namely : The various organs involved in the production and application of laws in the international context, the various laws , the various methods ; The law applicable : the method of uniform law ; The law applicable : the conflict of laws methods ; The incidence of EEC law and EEC system in relation to the law applicable, the jurisdiction and the recognition and/or execution of a foreign judgement ; Jurisdiction in an international context ; Recognition and enforcement of foreign judgements. (*French language*)

- Theory and Method in comparative law - (20h – 3 ECTS)

J. POUSSON, Professor, and F. RUEDA, Professor

This course aims to demonstrate the high importance of the methods in comparative law, in the context of the globalization of law, which brings out new functions and dimensions of comparative law.

In order to accomplish this, we present in a first part the main issues and difficulties of comparison in law, then in a second part we put these methods into perspective, since they vary with the objects of comparison (macro-, meso- and micro-comparison) and with the goals of the comparison. (*French language*)

- Common law - (30h – 3 ECTS)

B. GALONNIER, Maître de conférences

The course is an introduction to common law and deals with *Common law*, *Equity*, the English courts, the legal reasoning (precedent, ratio decidendi and obiter dictum, variety of opinions), legal professions, fundamental concepts in contract law (remedies, invitation to treat, consideration, damages), introduction to criminal law. (*English language*)

2nd Unit

Optional Courses (home university or abroad)

The student will choose between 5 options.

A student may attend a course in a European university either in relation to option 1 to 4 or choose another subject (option 5).

1st Option : Person, family, human rights 55 h – 15 ECTS*

- Comparative law in relation to person and family -

J. POUSSON Professor

This course deals with the various regimes of the couple in comparative law, whether married or not, its status, and the breaking off ; it also introduces the fundamental principles in relation to person and family in the various European countries and their deterioration (sex differences, inviolability of the body...). *(French language)*

- Biomedical law -

J. POUSSON, Professor

This course presents the European and national rules in relation to research on embryo, to collection of biological samples ; it deals with the status of the various comities in relation to ethic ; it also focuses on the function of party autonomy of legally incapable persons. *(French language)*

- International protection of the person -

A. MARMISSE, Maître de conférences et L. CORBION, Maître de conférences

This course deals with the issue of the protection of the person in an international context and particularly refers to the protection of children in case of international adoption or of child abduction and to the protection of children under the age of 18. The issue of jurisdiction, choice of law and enforcement of judgements will be studied in relation to the various texts (international, European and national sources). *(French language)*

- European law in human rights, protection of person and family -

B. de LAMY, Professor

This course deals with the judgements made by the European Court of Human rights ; it presents the main concepts deriving from the judgements ; it deals with the influence of these judgements on national law ; it also covers the reciprocal influence of national law on these judgements. The first part deals with the right to life ; the second part deals with the respect for private life ; the third part deals with the respect for family life. *(French language)*

2nd Option : Contracts (both private and public aspects) 55h – 15 ECTS*

Knowledge of international trade law is a prerequisite

Mandatory courses :

- Contracts -

S. POILLOT PERUZZETTO, Professor & M. ATTAL, Docteur en droit

This course deals with the various sources of law either international, European, national ; it also presents the soft law in relation to contracts and the various propositions in relation to unification and/or harmonization of contract law in particular within Europe ; it presents the conflict of law method deriving from the Rome convention and the proposition of a European regulation dealing with the issue of choice of law in relation to contracts. *(English language)*

- Developments in the public means of action : state contracts, public-private partnerships and tax law in comparative law -

F. RUEDA, Professor

This course presents the developments of the last twenty years on the main means of action of the public sphere, from a comparative perspective. States and public authorities tend to cooperate more with private operators, and to replace classical hierarchies by networks. This appears, among others, in the new meanings of the contractual tool, the use of public-private partnerships and the transformation of tax law.

(English language)

In addition to these courses, the student should select one subject among the following courses :

- Arbitration -

J.M. JACQUET, Professeur IHEI Genève

This course introduces arbitration as a means by comparison with the function of a national judge ; it refers to the various arbitration agreements ; it also presents the various stages of the procedure in case of an arbitration. *(English language)*

- International Contracts in business law -

S. POILLOT PERUZZETTO, Professor

This course deals with the specific issues deriving from an international contract. The issues are : the various methods used in an international context (conflict of laws, uniform law) ; the impact of party autonomy ; the influence of EEC law ; jurisdiction and international arbitration ; the example of the international trade contract, the example of the international transfer of technology contract ; the example of the international distribution contract. *English language)*

- Employment contracts in comparative and international law -

A. POUSSON, Professor *(French language)*

- Contracts in common law -

E. RUBEN, Professor Hertfordshire University

General course structure : lectures, workshops and problem solving, power point presentations.

Main themes : General principles of contract law, agreement, consideration, setting the contract aside ;

Plan : Offer/acceptance lecture, seminar, Consideration lecture, seminar, Exclusion Clauses lecture, seminar, Mistake and Misrepresentation lectures, seminar *(English language)*

3rd Option : Regulation and competition 55h – 15 ECTS*

This option will be taught in English and will cover both legal aspects and economic theory.

- Competition law and regulation -

S. POILLOT PERUZZETTO, Professor

This course deals with competition law, mainly the European competition law ; it covers the substantial issues (cartels, abuse of dominant position, mergers, state aids, regulation) and the institutional and procedural issues (organisation and functions of the national authorities,

function of the national judge, European procedure and European control on national procedures). *(English language)*

- Competition in Economics -

G. MOLINS YSAL, Professor

The course presents the economic approach of the antitrust decisions of competition authorities, it presents the markets typology and the basic theoretical concepts, effective competition and market power, it also presents the US competition policy and the European competition policy. *(English language)*

- Comparative Public Management -

F. RUEDA, Professor

This course presents the deep consequences of the wave of management reforms which have swept through the developed countries, including Europe, using models often adapted from private management techniques. These transformations affect both the public sector functioning (with the notion of 'performance') and its financial management. *(English language)*

4th Option : Business law 55h – 15 ECTS*

- International Contracts in business law -

S. POILLOT PERUZZETTO, Professor

This course deals with the specific issues deriving from an international contract. The issues are : the various methods used in an international context (conflict of laws, uniform law) ; the impact of party autonomy ; the influence of EEC law ; jurisdiction and international arbitration ; the example of the international trade contract, the example of the international transfer of technology contract ; the example of the international distribution contract. *(English language)*

- Internal market -

N. VALDEYRON, Maître de conférences

The course deals with internal market, namely free movement of goods, persons, services and capital. The content and the regime of the 4 freedoms is presented through the case law and the relevant legislation. The first part deals with free movement of goods, namely the elimination of any restriction, measures having equivalent effect, internal situation, exceptions in particular related to protection of the health, new approach and harmonization. The second part deals with free movement of capital and the harmonization related to media of exchange. The third part deals with free movement of persons and the right to stay, the freedom of establishment, the freedom to provide services, the free movement of workers, the limits to the free movement, the recognition of professional qualification. *(English language)*

The student will choose one course among the following four courses dealing with international and European sources and international and European situations :

- Labour law -

M.-C. AMAUGER-LATTES, Maître de conférences

The aim of the course is to present the various laws either national, European or international in order to determine the regime of the workers in relation to labour law and social security in case of a transfer of a worker abroad. This may be for a job within a foreign entity of the company or in the context of a service ; the aim is also to study the terms of an employment contract under French law and the difficulties in case of transfer abroad.

Issues : international labour law and social security law, conflict of laws related to labour law, jurisdiction, secondment of workers in the context of services abroad, the law applicable to social security in case of mobility of workers (European and national laws), terms of the employment contract, return of a worker sent abroad.

- Intellectual property law -

J. LARRIEU, Professor

The course presents the various sources of intellectual property law, namely international, national and European. It deals with patents, trademarks and copyrights.

- Tax law -

B. PLAGNET, Professor

The course deals with the issues which arise in case of international transactions involving several states. The weakening of the sovereignty of the States will be emphasized through the European harmonization and the fight against fraud. The issues studied are : main principles in tax law (territory, sources of law), taxation of benefits (national law and connecting factors, conventions), application of VAT (delivery, services).

- Company law -

M.-H. MONSERIE, Professor

The course deals with the various means to establish an undertaking abroad. The issues studied are : international acquisition, international mergers, joint ventures, instruments for cooperation (European company, public company, foreign companies).

- Business law in common law -

. torts and trust

Invited Professor

This course deals with torts in common law, covers the British origin of the principles based on the writ system and their reception by foreign legal orders. The course deals with the general principles, their origin and their nature, the conditions of application, the rules in relation to evidence, the exoneration.

The course also explains the mechanism of trust and the functions of this mechanism.
(*English language*)

. company law

J. JONES, Avocat

(*English language*)

- other

(the choice of the subject will be made each year and will depend on the specialization of the invited professor ; the subject will be taught in English).

5th Option in a European university

The student may choose an option offered by a European university and stay during one semester abroad. In this case the dissertation is prepared in this university.

3rd Unit**Dissertation (Home university or abroad)**

The students will choose a specific subject in relation to their option and write a paper. This research may be conducted in a European university.

Examination and degree

To be discussed in case of an exchange.