

# Course information Transnational Course Law and Governance

[The purpose of this course information is to support students with the processing of what they have to learn.]

## 1. Prerequisites

At the start of this course the student should have acquired the following competences:

- an active knowledge of
  - English
- general knowledge of the use of a PC and the Internet
- specific prerequisites for this course: Bachelor in Law

## 2. Learning outcomes

At the end of this course the student will be able to:

- to understand the transnational aspects of the subject matters dealt with;
- to critically reflect on the spatial and temporal relativity of law in the subject matters dealt with;
- to demonstrate insight in aspects of border-crossing legal problem solving, such as identification and legal qualification of relevant facts, selection and interpretation of the applicable law and identification of interests involved;
- to demonstrate insight in the development of law across the traditional national boundaries of legal systems;
- to be able to understand societal challenges posed by contemporary transnational problems in a global world.

## 3. Course contents

- **Comparative Law of Contracts - Elisabetta Corapi (University of Rome - Tor Vergata)**

The module focuses on the key institutions of contract law from a comparative perspective, so as to understand the nature of contracts, the role they play in society and the principles by which they are governed. A special focus will be given to the common law/civil law convergence in law of contracts and to the process of Europeanisation of private law. Attention will be paid to the freedom of contract and the choice of the applicable law, as well as to boilerplate clauses in transnational contracts.

- **Creative content services and the Digital Single Market - Katarzyna Klafkowska-Waśniowska (Adam Mickiewicz University Poznań)**

The module aims at explaining the legal framework for innovative creative content services on the Digital Single Market. By “creative content services” are meant services whose principal purpose is distribution or offering access to creative content: works, artistic performance, radio and television broadcasts, phonograms or videograms. This framework includes two general issues: freedom to provide services and harmonization of copyright law. The conflict between the principle of freedom to provide services, which is best executed with the application country of origin principle, and the principle of territoriality of copyright, will be looked at, by looking at the interpretation of fundamental TFEU provisions on freedom to provide services and selected provisions of copyright directives in the light of the CJEU case law.

- **Paradigmatic Shifts in the Property Law of Latin America - Agustin Parise (Maastricht University)**

Property law has shaped the culture of Latin American countries. The module will help to trace the common roots of Latin American property law in Roman law and Spanish law which were applied during the Spanish Colonial period. A liberal model of property law was included in the nineteenth-century civil codes. Most of those texts are still in force in the region. The role that property law played in the modelling of the current Latin American culture will be explored. with in-depth attention to aspects of ownership and the social function paradigm. Finally, a new paradigm of ownership, based on the ecological function, will be discussed.

- **Issues in Employment Law for the 2020s - Anthony Kerr (University College Dublin)**

The module will address, from a comparative perspective, four issues: (i) the concept of employee; (ii) dismissal protection; (iii) workplace privacy; and (iv) the right to strike. The first part will examine how different jurisdictions distinguish between the “employed” and the “self-employed” focussing on the classification of so called “gig economy workers”. The second will examine the nature of dismissal protection in different jurisdictions by examining the remedies available in the event the dismissal is found to be wrongful or unfair. The third will examine the extent to which workplace privacy – email monitoring, CCTV and GPS tracking – is regulated in different jurisdictions and consider the implications of the ECtHR decisions in *Barbulescu* and *Lopez Ribaldo*. The fourth will examine the extent to which workers can legitimately take industrial action, including strikes and picketing, focussing on disputes in essential services.

#### **4. International dimension**

- The course has an international dimension.
  - The lecturer teaches in a language other than Dutch
  - The lecturer uses course materials in a foreign language
  - Students learn to write papers in another language
  - The lecturer invites international and/or foreign language speaking guest lecturers
  - The lecturer teaches the subject of the course mainly as an internationally oriented comparison
  - The lecturer gives information about his own cultural frame of reference in relation to other perspectives

#### **5. Teaching method and planned learning activities**

##### **5.1. Teaching method**

- **Class contact teaching**
  - **Lectures**

##### **5.2. planned learning activities and teaching methods**

**[the planning presented below is indicative and aims to give the student a chronological overview of his/her lessons and/or assignments.]**

Prof. Corapi	Monday 15 February, 13:00-16:00	Thursday 18 February, 13:00-15:00	Friday 19 February, 16:00-19:00
Prof. Klafkowska	Monday 1 March, 13:00-16:00	Thursday 4 March, 13:00-15:00	Friday 5 March, 16:00-19:00
Prof. Parise	Monday 29 March, 13:00-16:00	Thursday 1 April, 13:00-15:00	Friday 2 April, 16:00-19:00
Prof. Kerr	Monday 10 May, 13:00-16:00	Tuesday 11 May, 8:30-10:30	Wednesday 12 May, 13:00-16:00

## 6. Assessment method and criteria

### 6.1. Used assessment methods

- Examination
  - o Written without oral presentation
  
- Written assignment
  - o Without oral presentation

### 6.2. Assessment criteria

Assessment per module will be by a written exam (open questions and/or multiple choice) or by a written assignment on a pass/fail basis. Students must obtain a pass on the three modules to obtain a pass for the course. A resit is organised for modules where no pass has been obtained.”

## 7. Study material

### 7.1. required reading

All necessary reading material will be made available via Blackboard.

## 8. Contact information

All questions concerning the transnational law courses can be directed to the International Office Law <InternationalOffice.Law@uantwerpen.be>.

## 10. Use of Blackboard

- o Information
- o Communication