

## Course guide

### 310503 - 310503 - Contracting and International Trade

Last modified: 15/05/2023

**Unit in charge:** Barcelona School of Building Construction  
**Teaching unit:** 732 - OE - Department of Management.

**Degree:** MASTER'S DEGREE IN BUILDING CONSTRUCTION MANAGEMENT (Syllabus 2015). (Compulsory subject).

**Academic year:** 2023    **ECTS Credits:** 5.0    **Languages:** Spanish

#### LECTURER

**Coordinating lecturer:** Montserrat Nebrera

**Others:**

#### PRIOR SKILLS

The basic abilities of a university graduate.

#### DEGREE COMPETENCES TO WHICH THE SUBJECT CONTRIBUTES

**Specific:**

CE16MUGE. Integrate acquired competences in the building management field, for carrying out the final master project

**Generical:**

CG1MUGE. Apply the acquired knowledge in solving complex problems in any sector of the building management.

**Basic:**

CB9. The students must be able to communicate their conclusions and the knowledges and ultimate reasons which support to specialised and non-specialised audiences in a clear mode and without ambiguities.

CB7. The students must be able to apply the acquired knowledges and their ability of resolution of problems in new or little known environments inside more wide environments (or multidisciplinary) related with their study field.

#### TEACHING METHODOLOGY

Master classes, practices, debates at class, individual and team directed work.

#### LEARNING OBJECTIVES OF THE SUBJECT

Knowledge and ability to use the regulations of international commerce, specially applied in the fulfilment of big public constructions.

#### STUDY LOAD

Type	Hours	Percentage
Hours large group	17,5	14.00
Hours medium group	5,0	4.00
Guided activities	7,5	6.00
Self study	90,0	72.00
Hours small group	5,0	4.00

**Total learning time:** 125 h

## CONTENTS

### Tema 1. Conceptos jurídicos introductorios

**Description:**

- 1.1.- Law: Public and private. Autonomy of the goodwill.
- 1.2.- Legal relation, bussiness and contract.
- 1.3.- Exchange of goods and services. Globalization and markets.
- 1.4.- The commercial contracts. The State contracts.

**Specific objectives:**

Introduction in the basic concepts of the subject.

**Related activities:**

Master classes, debates and related practices.

**Full-or-part-time:** 8h

Theory classes: 8h

### Tema 2. El comercio internacional

**Description:**

- 2.1.- Free movement of goods and services.
- 2.2.- The European Union from the construction of an interior market.
- 2.3.- Other organisations for the free economic traffic.

**Specific objectives:**

Identify the main international organisations headed towards the free trade.

**Related activities:**

Master classes, debates and teamwork.

**Full-or-part-time:** 5h

Theory classes: 5h

### Tema 3. Contratación internacional: fuentes

**Description:**

- 3.1.- The unification as a value. History.
- 3.2.- The new Lex Mercatoria and the UNIDROIT principles.
- 3.3.- Roma I.
- 3.4.- The Viena convention.

**Related activities:**

Master classes and practices (text analysis).

**Full-or-part-time:** 4h

Theory classes: 4h

#### Tema 4. Los contratos internacionales

**Description:**

- 4.1.- Contents, writing and habitual clauses.
- 4.2.- Classes.
- 4.3.- The construction contract.
- 4.4.- Models and practical analysis of the international construction contract.

**Specific objectives:**

Work over models of construction contract.

**Related activities:**

Introduction and practical master classes.

**Full-or-part-time:** 4h

Theory classes: 4h

#### Tema 5. Instrumentos para la contratación internacional

**Description:**

- 5.1.- E-commerce.
- 5.2.- Companies of capital in the globalized market.
- 5.3.- Partnership groups, joint-venture and M&A international.

**Specific objectives:**

Know the most common tools of international hiring.

**Related activities:**

Practical and master classes.

**Full-or-part-time:** 4h

Theory classes: 4h

#### Tema 6. Riesgos en la contratación internacional

**Description:**

- 6.1.- External incidents with effects over the international commerce.
- 6.2.- Endogenous pathologies.

**Specific objectives:**

Know the conflict situations which can happen in the international hiring.

**Related activities:**

Theoretical and practical classes.

**Full-or-part-time:** 4h

Theory classes: 4h

## Tema 7. Soluciones a las controversias en la contratación internacional

### Description:

- 7.1.- Judicial and extrajudicial resolution (the mediation).
- 7.2.- Arbitrage as a way of extrajudicial resolution. The arbitral decision.

### Specific objectives:

Approximation to the solutions in case of conflict.

### Related activities:

Practical and master classes, individual and team directed work.

### Full-or-part-time: 6h

Theory classes: 6h

## GRADING SYSTEM

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Continuous evaluation.

The mark will include: mark of the practices at class (20%), mark of the non-presential practices (50%) and evaluation exam the last day of class (30%).

The student who does not pass the continuous evaluation must attend the final exam scheduled for the master exams period.

## BIBLIOGRAPHY

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### Basic:

- Fernández Rozas, J.C.. Derecho de los negocios internacionales. Madrid: Iustel, 2013. ISBN 9788498902150.
- Calvo Caravaca, A. (Dir.). Derecho del comercio internacional. Madrid: Colex, 2012. ISBN 9788483423639.