



UNIVERSITY OF GOTHENBURG

SCHOOL OF BUSINESS, ECONOMICS AND LAW

HRS520, Commercial Shipping and Trade Law , 15,0 higher education credits

Kommersiell Sjörätt och Handelsrätt, 15.0 högskolepoäng

Second Cycle

1. Confirmation

The course syllabus was confirmed by Department of Law on 2014-01-13 to be valid from 2014-01-19.

Field of education: Law 100 %

Department: Department of Law

2. Position in the educational system

The course entitled 'Commercial Shipping and Trade Law' is an optional course for the completion of Master's degree in Law. The course duration is 10 weeks of full time studies

Main field of studies

Legal Science

Specialization

A1N, Second cycle, has only first-cycle course/s as entry requirements

3. Entry requirements

Students following the Swedish law programme leading up to a law degree must have passed courses adding up to 150 higher education credits from the first five semesters of the Law programme. Visiting foreign students are admitted to the course after approval of the Director of Studies.

4. Course content

The course will cover five main subject areas, namely, the law relating to bills of lading and charterparties in the carriage of goods by sea, other contracts of carriage including multimodal transportation, law of marine insurance, law relating to international sale of goods and its financing through the documentary credit system.

The principal object of this course will be to present the different aspects of international sale and transportation of goods by sea and other transportation modes. The main convention instruments relating to carriage of goods by sea that will be addressed are the Hague/Hague-Visby Rules, Hamburg Rules and

Rotterdam Rules. Instruments relating to multimodal transportation will be discussed. Various standard form contracts relating to charterparties will be discussed.

The course will also cover different legal aspects of the law of marine insurance at an advanced level. It includes detailed consideration of both hull and machinery (H&M) and protection and indemnity (P&I) insurance and the focus is placed on discussing legal issues from the perspectives of the marine insurance industry as well as the shipping industry. Detailed analysis, as may be appropriate, of Institute Clauses, International Hull Clauses and marine insurance legislation including those involving specialized cover such as war and piracy will be discussed by reference to relevant case law and scholarly writings. The role of marine insurance will also be examined in the extent of pollution damage and salvage claims from the perspectives of both H&M and P&I insurance. The course will extend to detailed consideration of principles of general average including the York Antwerp Rules and the relationship of that branch of maritime law to marine insurance, in particular, issues of insurance and average adjustments.

The Vienna Convention on the International Sale of Goods, 1980 and other related instruments such as INCOTERMS will be included. Also, the roles international organizations and industry bodies such as UNCITRAL, ICC and CMI will be examined.

5. Learning outcomes

To pass the examination, the student shall be able to demonstrate high level of knowledge and competences as below:

Knowledge and comprehension

Upon completion of the course the student will be able to demonstrate adequate knowledge and corresponding level of comprehension of shipping and trade in the following areas of law-

- convention instruments and various standard form contracts used in international sale and transportation of goods;
- carriage of goods by sea and multimodal transportation;
- the concepts in the financing of international sale of goods;
- marine insurance and general average;
 - H&M and P&I insurance;
 - needs of the shipping industry and the marine insurance industry;
 - detailed appreciation of Institute Clauses, International Hull Clauses including typical clauses in a marine insurance policy;
 - special clauses such as those relating to piracy cover, war-risks cover;
 - marine insurance legislation including the Marine Insurance Act, 1906 of the United Kingdom and Nordic Marine Insurance Plan;
 - relationship of marine insurance to pollution damage and salvage claims;
 - principles of general average and its relationship to the law of marine insurance including insurance and average adjustments.
- the respective roles of international organizations and industry bodies involved in international commercial shipping.

Skills and abilities

Upon completion of the course the student will be able to demonstrate oral and written competence to -

- apply commercial and contract law principles and concepts to specific problems relating to international sale and transportation of goods and their financing and insurance aspects;
- carry out independent research on a chosen subject by integrating and analyzing information and materials and arriving at solutions to stated problems;
- present results and findings of research through written submissions which involves a contract negotiation exercise.

Judgement and approach

Upon completion of the course the student will be able to -

- critically analyze international conventions and other treaty instruments governing commercial shipping matters;
- examine, explain and discuss maritime issues from national, regional and international perspectives including their legal and economic implications.

6. Literature

Se separat litteraturlista/ See separate list.

7. Assessment

Student performance will be assessed by the following methods:

- a open book written examination.
- individual oral presentations through group work at seminar(s);
- A take home exam in Block 2 Transportation law
- A contract negotiation and drafting exercise through group work.
- A take home exam after completed contract negotiation

A student must pass each component separately to obtain a pass grade for the course.

Assessed Seminar: 10 marks - In the assessed seminar the students must be able to make individual oral presentations through group work to show evidence of sound knowledge and understanding of the specifically allocated task.

Take-home exam: 20 marks - in this component a take home exam the knowledge in transportation law will be examined. The examination will consist of objective knowledge based questions and a problem-solving exercises.

Written Examination: 20 marks - This component consists of a three-hour open book written examination. The examination will consist of objective knowledge based questions, essay-type questions and problem-solving exercises.

Contract Drafting Exercise: 50 marks - This component will require students to work in groups to carry out contract negotiations or represent parties to a mock contract negotiation. As part of this exercise, students will be required to submit individual written work (10 marks); participate and conclude a sale contract which will

be presented at an examination seminar (30 marks); and submit a take-home exam (10 marks).

If a student fails twice on the examination, he or she has the right to request a new examiner.

8. Grading scale

The grading scale comprises Fail (U), Pass (B), Passed with Credit (BA), Passed with Distinction (AB).

Swedish official grading system	Swedish grades	ECTS	Definition
AB (med beröm godkänd)	AB	A	Excellent
AB (med beröm godkänd)	AB	B	Very good
Ba (icke utan beröm godkänd)	Ba	C	Good
B (godkänd)	B	D	Satisfactory
B (godkänd)	B	E	Sufficient
U (underkänd)	U	F	Fail

9. Course evaluation

The Department of Law is obliged to evaluate the courses delivered. This is done by an appraisal in accordance with general instructions within the Department. Each and every course appraisal is scrutinized by the Board of Education within the Department. A student assisting in the collection of an appraisal will get remuneration according to standart tariff.

10. Additional information

Language of instruction: English.

Further study directions will be provided at the course introduction. The course will be delivered for the first time in spring 2014.