

List of questions for the final exam

Part 1

International commercial law

International commercial arbitration

1. Sources of arbitration law; Definition and differences between ad hoc and institutional arbitration; Principle of territoriality
2. Arbitration agreement; Arbitrability; Relationship between parties, arbitrators and the institution
3. Constitution of the tribunal; Initiation of proceedings; Judicial assistance of state courts in the initial phase
4. Procedure before the arbitral tribunal; Choice of procedural and substantive law; Taking of evidence; Judicial assistance of state courts during the proceedings
5. The arbitral award and its effects; Rules governing the enforcement of domestic and foreign awards
6. The setting aside of arbitral awards
7. Arbitration and EU law

Contract law

8. International institutions and harmonization of contract Law
9. Soft law instruments (PECL, UNIDROIT Principles, DCFR, CESL – goals, application)
10. EU and the harmonization of contract law (arguments for and against, legal base,)
11. Concept of contract
12. Formation of contracts
13. Interpretation of contracts
14. The sphere of application of the CISG and general provisions
15. Formation of the contract under the CISG
16. Obligations of the parties under the CISG
17. Breach of contract and exemptions under the CISG
18. The buyer's and the seller's remedies for breach of contract under the CISG
19. Damages under the provisions of the CISG

Multinational Enterprises

20. Different concepts on the multinational enterprise (MNE)
21. Legal forms and structures of MNEs
22. Regulating MNEs. OECD Guidelines for Multinational Enterprises
23. Foreign Corruption Practices Act, OECD Convention on Combating Bribery
24. Jurisdiction and MNEs
25. Protection of foreign investments

Part 2

Internal market

The four freedoms

1. The importance of the Gebhard case
2. Meaning and interpretation of the “cross-border” character
3. The different modes of provision of services under EU law
4. Freedom to receive services, rights of service recipients
5. The definition of services under EU law
6. Services Directive: scope and application
7. Services Directive: administrative simplification
8. Services Directive: authorisations
9. Services Directive: freedom to provide services and related derogations
10. The definition of worker under EU law
11. Rights of workers under Regulation 492/2011 (EC)
12. Right of residence of economically inactive persons under Directive 2004/38/EC
13. Right of permanent residence
14. Definition of family members
15. Status and rights of job seekers
16. Political rights of EU citizens
17. Definition of goods
18. Discriminatory and protective taxes
19. Measures having equivalent effect to quantitative restrictions
20. Exceptions to the principle of free movement of goods
21. The concept of mutual recognition and the exceptions to it
22. Selling arrangements and the free movement of goods
23. Restrictions and prohibitions on use and the free movement of goods
24. Notification of draft technical measures under Directive 98/34/EC

Competition law

25. Aims of EU Competition Law
26. Article 101 TFEU: Restrictive Practices. Agreements having an anti-competitive object
27. Article 101 TFEU: Restrictive Practices. Agreements having an anti-competitive effect
28. Article 102 TFEU: Abuse of Dominant Position. The Definition of Dominance
29. Article 102 TFEU: Abuse of Dominant Position. Abuses
30. Article 106 TFEU: Services of General Economic Interest
31. Competition Law Enforcement by the European Commission
32. Competition Law Enforcement by National Competition Authorities and National Courts