

Contenus

Nom du Cours		Semestre du Cours	Cours Théoriques	Travaux Dirigés (TD)	Travaux Pratiques (TP)	Crédit du Cours	ECTS
ÖHYL-351	Droit international commercial	1	4	0	0	4	10

Cours Pré-Requis	
Conditions d'Admission au Cours	

Langue du Cours	Turc
Type de Cours	Électif
Niveau du Cours	Master
Objectif du Cours	Différents sujets concernant le droit du commerce international seront analysés lors de ce cours.
Contenus	Les sources du droit du commerce international (les usages commerciaux, lex mercatoria, les contrats modèles, les contrats internationaux, etc.), Incoterms, les contrats de vente de marchandises internationales (Convention des Nations Unies sur les contrats de vente internationale de marchandises 1980 – CVIM) et l'arbitrage international, la méthode la plus préférée pour la résolution des disputes dans les relations commerciales internationales seront traités. En outre, les contrats modèles préparés par différentes organisations et qui sont fréquemment utilisés dans le commerce international seront examinés.
Ressources	<p>1- Audit, Bernard; La Vente Internationale de Marchandise: Convention des Nation-Unies du 11 Avril 1980, 1990</p> <p>2- Atiyah, P S/Adams, John N/MacQueen, Hector; The Sale of Goods, Pearson Education, 2005</p> <p>3- Baron, Gesa; Do the UNIDROIT Principles of International Commercial Contracts form a new lex mercatoria?, Arbitration International (1999) 115-130, available at database: www.cisg.law.pace.edu/cisg/biblio-eng.html</p> <p>4- Béguin, Jacques/Menjucq, Michel (dir); Droit du commerce international, Litec, Paris 2005</p> <p>5- Bianca, C./Bonell, M. J. (edit.); Commentary on the international sales law, the 1980 Vienna Sales Convention, Milano 1987</p> <p>6- Bonell, Michael Joachim; An International Restatement of Contract Law, 2d ed., 1997, Chapter 4- The UNIDROIT Principles and CISG, available at database: http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html</p> <p>7- Bonell, Michael Joachim; The UNIDROIT Principles of International Commercial Contracts and the Vienna Sales Convention - Alternatives or Complementary Instruments?, Revue de droit uniforme/Uniform Law Review (1996) 26-39</p> <p>8- Bonell, Michael Joachim; The UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law: Similar Rules for the Same Purpose?, Uniform Law Review (1996) 229-246 available at database: http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html</p> <p>9- Born, Gary B.; International Arbitration Cases and Materials, Kluwer Law International, 2011</p> <p>10- Bortolotti, Fabio; Drafting and Negotiating International Commercial Contracts, ICC Publication no. 671, 2008</p> <p>11- Bühler, W. Michael/Webster, H. Thomas; Handbook of ICC Arbitration, Commentary, Precedents, Materials, Thomson, Sweet & Maxwell, London 2005.</p> <p>12- Carter, James H.; The International Arbitration Law Review, Law Business Research, 2012</p> <p>13- Carbonneau, Thomas E./Jaeggi, Jeanette A., Handbook on Commercial Arbitration, American Arbitration Association, 2007</p> <p>14- Clay, Thomas; L'arbitrage, Dalloz, 2001</p> <p>15- Cremades, Bernardo M./Dimolitsa, Antonias; Third-Party Funding in International Arbitration, ICC Publication Services, 2013</p> <p>16- Dayınlarlı, Kemal; International Arbitration, Dayınlarlı Hukuk Yayınları, 2010</p> <p>17- De Ly, Filip; International Business Law and Lex Mercatoria, Elsevier Science Publishers, 1992</p>

- 18- Dessemontet, François(edit.); Les Contrats de Vente Internationale de Marchandise, Cedidac, 1991
- 19- Erdem, Ercüment; La livraison des marchandises selon la Convention de Vienne, Diss. Fribourg 1990
- 20- Erdem, Ercüment; "Resolving International Trade Dispute Through Arbitration", Prof. Dr. Firat Öztan'a Armağan, Ankara 2010, s. 839-910.
- 21- Erdem, Ercüment; "The Role of Trade Usages in ICC Arbitration", in Liber Amicorum en l'honneur de Serge Lazareff, Paris 2011, s.247-265
- 22- Ferrari, Franco; Gap-filling and Interpretation of the CISG: Overview of International Case Law, 7 Vindobona Journal of International Commercial Law and Arbitration (2003) 63-92, <http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html>
- 23- Fortier, L. Yves; The New, New Lex Mercatoria, or, Back To The Future, Arbitration International, Vol. 17/2 2001, available at database: www.tldb.de
- 24- Fouchard/Gaillard/Goldman; Traité de l'arbitrage commercial international, Paris 1996
- 25- Geisinger, Elliot/Voser, Nathalie; International Arbitration in Switzerland, A Handbook for Practitioners, Kluwer Law, 2013
- 26- Giovannini, Teresa/Mourre, Alexis; Written Evidence and Discovery in International Arbitration, ICC Institute of World Business Law, 2009
- 27- Goldman, Berthold; Nouvelles Réflexions sur la Lex Mercatoria, in: Festschrift Pierre Lalive, Basel, Frankfurt a.M. 1993, at 241 et seq. available at database: www.tldb.de
- 28- Goldstajn, Aleksandar; The New Law Merchant Reconsidered, in: Festschrift Schmitthoff, Frankfurt a.M. 1973, at 171 et seq., available at database: www.tldb.de
- 29- Goldstajn, Aleksandar; Usages of Trade and Other Autonomous Rules of International Trade According to the UN (1980) Sales Convention, Petar Sarcevic & Paul Volken eds., International Sale of Goods: Dubrovnik Lectures, Oceana (1986) Ch. 3, 55-110. available at database: <http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html>
- 30- Governing Council of UNIDROIT; UNIDROIT Principals of International Commercial Contracts, International Institute for the Unification of Private Law, 2013
- 31- Heuzé, Vincent; La vente internationale de marchandises, Paris 2000
- 32- Honnold, J.; Uniform law for international Sales under the 1980 United Nations Convention, Deventer 1982
- 33- Jacquet, Jean-Michel/Delebecque, Philippe; Droit du commerce international, 2e éd. Dalloz, Paris 2000
- 34- Kahn, Philippe; « Lex mercatoria » et Pratique des Contrats Internationaux, in: Le Contrat Economique International, Bruxelles, Paris 1975, page 200 et suiv. available at database: www.tldb.de
- 35- Kurkela, Matti S./Snellman, Hannes; Due Process in International Commercial Arbitration, Oceana Publications, 2005
- 36- Lando, Ole; The Rules of European contract law, "Study of the systems of private law in the EU with regard to discrimination and the creation of a European Civil Code", European Parliament, Directorate General for Research, Working Paper, Legal Affairs Series, JURI 103 EN (June 1999), Chapter III, 127-136 available at database: www.tldb.de
- 37- Lando, Ole; The Law Applicable to the Merits of the Dispute, in: Sarcevic (ed.), Essays on International Commercial Arbitration, Boston, London 1991, at 129 et seq. available at database: www.tldb.de
- 38- Lew, D. M. Julian/Mistelis, A. Loukas/Kröll, Stefan; Comparative International Commercial Arbitration, Kluwer Law International, 2003
- 39- Lowenfeld, Andreas F.; Lex Mercatoria: An Arbitrator's View, Arbitration International 1990, at 133 et seq. available at database: www.tldb.de
- 40- Lörcher, Torsten/Pendell, Guy/Wilson,Jeremy; CMS Guide to Arbitration Vol I, II, CMS Law.Tax, 2012
- 41- Mourre, Alexis; Les Cahiers de L'Arbitrage, Editions A.Pendone, 2008
- 42- Moses, Margaret L.; The Principles and Practice of International Commercial Arbitration, Cambridge University Press, 2012
- 43- Mustill, Michael; The New Lex Mercatoria: The First Twenty-five Years, Arbitration International 1988, at 86 et seq. available at database: www.tldb.de
- 44- Nairn, Karly/Heneghan, Patrick; Arbitration World Institutional and Jurisdictional Comparisons, European Lawyer Reference Series, 2012
- 45- Neumayer, Karl H./Ming, Catherine; Convention de Vienne sur Les Contrats de Vente Internationale de Marchandise, Cedidac, 1993
- 46- Schlechtriem, P./Butler, P.; The UN Law on International Sales, 2009
- 47- Schlechtriem, P./Witz, Claude; Convention de Vienne sur les Contrats de Vente Internationale de

Marchandise, Dalloz, 2008

48- Schlechtriem, P.; Uniform Sales Law, Vienna 1986

49- Schmitthoff, C; Schmitthoff's Export Trade, The law and practice of international trade, ninth edition, London, Stevens & Sons, 1990

50- van Houtte, Hans; Les Principes UNIDROIT et l'Arbitrage Commercial International, in: ICC (ed.), The UNIDROIT Principles for International Commercial Contracts - A New Lex Mercatoria?, Paris 1995, at 181 et seq available at database: www.tldb.de

51- Vogenauer, Stefan/Kleinheisterkamp, Jan; Commentary on the UNIDROIT Principles of International Commercial Contracts, Oxford University Press, 2009

52- Yves, Derains/Jacques, Ghestin; La Convention de Vienne sur la vente internationale et les incoterms, 1989

53- Yves, Derains/Schwartz, A. Eric; A New Guide to the New ICC Rules of Arbitration, Kluwer Law, 1998

Intitulés des Sujets Théoriques

Semaine	Intitulés des Sujets
1	Introduction au droit commercial international- sources
2	Sources- Incoterms
3	Incoterms
4	Incoterms
5	CVIM- Dispositions Générales
6	CVIM- Formation du Contrat
7	CVIM- Obligations du Vendeur
8	CVIM- Obligations de L'acheteur
9	CVIM- Recours
10	CVIM- Exonération
11	Contrats d'agence et de distribution internationaux
12	Lettres de crédit (UCP 600)
13	CCI- Arbitrage
14	Examen final- Livraison de documents