

**INFO Nr 6**
**COURSES IN ENGLISH**

(programme subject to changes)

March 2015

Student's proficiency in English should be at least **level B2** according to the *Common European Framework of Reference for Languages*:

<http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>

**Semester Courses in ENGLISH**

Courses	ECTS	Fall 2015	Spring 2016	Fall 2016	Spring 2017	Professor
Comparative Constitutional Law	5		X			E. M. Belser
Privacy – A Comparative Law Approach	5			X		Ch. Fountoulakis
European and Swiss Competition Law	5	X		X		W. Stoffel
International and European Responsibility Law			X			S. Besson
Introduction to Swiss Law	5	X		X		H. Stöckli
Public Economic Law in the EU	5	X		X		S. Progin M. Kern
Public International Law: Selected Issues	5				X	A. Epiney B. Pirker

We particularly would like to draw your attention on the course **Introduction to Swiss Law**. This course is created especially for exchange and international students in order to give them an insight

into Swiss Law. Students will be encouraged to follow this course. This course is opened to Bachelor and Master students.

## Block Courses in ENGLISH

Courses	ECTS	Fall 2015	Spring 2016	Fall 2016	Spring 2017	Professor
Contract : From National to Transnational and European Law	5	X		X		P.Pichonnaz F.Werro
International Criminal Justice / Justice pénale internationale	5	X				S. Besson G. Mettraux

## Special Credits in ENGLISH

Courses	ECTS	Fall 2015	Spring 2016	Fall 2016	Spring 2017	Professor

## Seminar in ENGLISH

Courses	ECTS	Fall 2015	Spring 2016	Fall 2016	Spring 2017	Professor
International Contracts and Arbitration	5				X	Th. Probst

## Summer University in ENGLISH

Courses	ECTS	Fall 2015	Spring 2016	Fall 2016	Spring 2017	Professor
Federalism, Decentralisation and Diversity	5		X			E.M. Belser

# **“Introduction to Swiss Law”** (Semester course)

**University of Fribourg – Fall 2015**

*Prof. Hubert Stöckli*

## **Description**

The new semester course "Introduction to Swiss Law" introduces the students to key aspects of Swiss Law (including the role of Public International Law and European Law in Switzerland).

The course consists of the following nine modules which are taught by the respective specialist professors of the faculty:

- A Survey over all modules of this class
- Swiss Public Law
- Swiss Contract and Tort Law
- Swiss Civil Code
- Swiss Criminal Law
- International Law in the Swiss Legal Order
- Swiss Tax Law
- Swiss Commercial Law
- Switzerland and the European Union

In order to give the students a chance to follow the "Blockkurse"/"Cours blocs" in weeks 1-3 of the semester, the course will start in the fourth week of the fall semester.

NB: Please note that the course is exclusively open to exchange students at the University of Fribourg (regular students are not admitted to this course).

## **Goals:**

Students gain insight into the most important areas of Swiss Law.

Students learn about the main sources of law (enacted law and decisions of the Federal Supreme Court).

Students learn about the specificities of Swiss Law in comparison to foreign legislations.

The acquired knowledge enables students to critically compare and contrast rules of substantive Swiss Law with the law of their home countries.

## **Examination**

Students take a 2-hours written examination about the content of two of the modules, consisting of three theoretical questions and one case-study or essay question.

**Materials**

Documentation will be made available in the respective course on the platform "moodle2" (moodle2.unifr.ch).

Contact the course administrator for the access code to subscribe and get access to the course materials.

**Course Administrator:**

Ms Sian Affolter : [sian.affolter@unifr.ch](mailto:sian.affolter@unifr.ch)

Institute of European Law: [www.unifr.ch/euroinstitut](http://www.unifr.ch/euroinstitut), 026 300 80 90.

**“Public Economic Law in the EU”** (Semester course)**University of Fribourg – Fall 2015**

*Prof. Dr. Sarah Progin-Theuerkauf*

*Dr. Markus Kern*

**Description**

European Union law is increasingly responsible for the shape and process of the regulatory dynamics of public economic law in Europe. In fields such as the regulation of financial markets or of energy-, telecommunication- and transport-networks EU-law exerts a strong influence both on the concrete drafting of legal norms, but also on their underlying general approach and the basic “philosophy” of regulation.

The semester course “Public Economic Law in the European Union” has two main focuses: On the one hand, we will address and discuss regulation in selected fields such as energy, transport, telecommunication and finance with a special emphasis on their implications for Swiss law. On the other hand, we will analyze current regulatory trends and approaches of EU-law, such as market opening, deregulation, unbundling of infrastructure and services, re-regulation or the establishment of independent regulatory authorities.

**Goals:**

- Students gain insight into the handling and the instruments of economic regulation.
- They acquire a general understanding of regulation in EU-law in the considered fields as well as of the predominant regulatory approaches in the EU.
- They acquire knowledge about the main sources of regulation and gain the capacity to analyze and solve elementary regulatory problems independently.
- Building upon general knowledge acquired in the course, students are capable of following and critically assessing future developments of public economic law in the EU.
- The course constitutes a qualification for professional activity with regulatory authorities, regulated undertakings as well as for independent legal practice in the fields studied.

**Examination**

The assessment will take the form of a written exam (consisting of a case-study and shorter questions; duration: 2h)

**Materials**

Documentation will be made available on “moodle”.

## **“European and Swiss Competition Law”** (Semester Course)

University of Fribourg - Fall 2015

*Prof. Walter Stoffel*

### **Description**

**This course gives an overview of competition law. It focuses on European competition law and compares it to Swiss law throughout the course, with occasional outlooks at other competition law systems, especially of the United States. The course is divided into two parts.**

The first part analyses the institutional and procedural framework, quite different in the European Union and in Switzerland. The second part deals with substantive competition law where an increasing convergence of the systems can be observed since five or ten years. Based on case studies, the course presents the three pillars of competition law, *i.e.* agreements restricting competition (both horizontal and vertical), abuse of dominance and - to a lesser extent - merger control.

The course is taught in the form of an *intensive semester course*. The reading materials include articles and cases, which are to be read beforehand and form the basis of the discussion in class. Interventions by competition law practitioners will take place at different occasions.

### **Goals**

The course's goals are threefold:

- to give to the student a knowledge of the institutional framework of European and Swiss competition law
- to give to the student a general knowledge of the principal concepts governing anticompetitive behaviour
- to make the student aware of the specificities of a subject implying legal as well as economic concepts

### **Examination**

The exam is an oral exam of fifteen minutes, based on a short hypothetical case of some ten lines, prepared immediately before the exam. The hypothetical case is presented in English, but students may answer in English, French, or German at their convenience.

## **“Public International Law: Selected Issues”** (Semester course)

University of Fribourg - Spring 2017

*Prof. Astrid Epiney*  
*Dr. Benedikt Pirker*

### **Description**

This is an advanced course in public international law engaging with a number of selected topics. The aim is to make students aware of the complex challenges of modern international law, its substantive rules, enforcement mechanisms, but also its methods and narratives. As an overall thread, it will be shown that modern international law has become highly diverse, risking what some call veritable 'fragmentation'. Beyond the basic rules of international law that students should already master at this

level, specific regimes of international law such as human rights or world trade law are introduced. At the level of enforcement, the rules of state responsibility are examined in more detail, as well as the problem of multiplication of dispute settlement fora. If time permits, the variety of methodological approaches to the study of international law (critical legal studies, law and economics etc.) will also be discussed. A moot court provides students with an opportunity to gain some hands-on experience in international law.

### **Goals**

The goal of the course is to familiarize students with selected topics of international law in more depth. They ought to be able to engage with complex questions posed by today's international law. Simultaneously, they should manage to resolve practical cases, as will be tested both by the moot court and the final exam.

### **Examination**

The assessment takes the form of a 2 hours written final exam which can contain a mixture of case problems, essay questions and questions testing the students' knowledge.

### **Materials**

Documentation will be made available on "moodle".

## **“International and European Responsibility Law”** (Semester course)

**University of Fribourg - Spring 2016**

*Prof. Samantha Besson*

### **Descriptif / Description**

This Master semestrial course pertains to the concept, regime and mechanisms of international responsibility of States, but also of International Organizations and Private Persons. Various aspects of international dispute settlement are also addressed when they affect the regime of international responsibility.

Ce cours semestriel de Master (en anglais) porte sur le concept, le régime et les modalités de la responsabilité de droit international des Etats, mais aussi des organisations internationales et des personnes privées. Différents aspects du droit international de règlement des différends seront aussi couverts en marge dans la mesure où ils affectent le régime de la responsabilité internationale.

### **Objectifs / Goals**

The students revisit the foundations of international responsibility studied during their studies for the Bachelor of Law, and deepen their knowledge with a view to identify the difficult questions and to address them critically. The students also learn to solve advanced practical cases within this field.

Les étudiants revisitent les bases du droit de la responsabilité internationale étudiée au Bachelor et approfondissent leurs connaissances de manière à pouvoir identifier les questions difficiles et en traiter de manière critique. Ils apprennent aussi à résoudre des cas pratiques avancés dans le domaine.

### **Examen / Examination**

Students take a 2-hours written examination, comprised of two theoretical questions and one case-study. Students may bring their own copy the Ziegler A.R./Besson S., *Traité internationaux*, latest edition. Highlighting and internal cross-references are allowed (See "Directives d'examen de la Chaire").

L'examen est un examen écrit de 2h comprenant 2 questions théoriques et 1 cas pratique. Le matériel à disposition est le Ziegler A.R./Besson S., *Traité internationaux*, dernière édition. Les annotations usuelles sont autorisées (cf. directives d'examens de la Chaire).

### **Matériel / Materials**

- Course Reader, on sale during the first class.
- Additional documents made available on «Moodle» (<http://moodle2.unifr.ch/>; Droit international et commercial).
- An updated version of Public International Law texts: Ziegler A.R./Besson S., *Traité internationaux*, latest edition or David E./Van Assche C., *Code de droit international public*, latest edition or Dupuy P.-M., *Les grands textes de droit international public*, latest edition
- Recueil de documents, en vente lors du premier cours.
- Autres documents de cours disponibles sous Moodle (<http://moodle2.unifr.ch/>; sous Droit international et commercial).
- Une version à jour des grands textes de droit international public: Ziegler A.R./Besson S., *Traité internationaux*, dernière édition ou David E./Van Assche C., *Code de droit international public*, dernière édition ou Dupuy P.-M., *Les grands textes de droit international public*, dernière édition.

## **“Privacy – A Comparative Law Approach”** (Semester course)

University of Fribourg – Fall 2016

*Prof. Christiana Fountoulakis*

### **Description**

The course focuses on the protection of individual privacy in different legal systems. The importance and the meaning of “privacy” in Western European, Anglo-American and other legal cultures will be discussed on the basis of selected cases and articles. We will see the different facets of privacy and the extent to which each of it is legally protected under the various laws. It will also be shown that, under some laws, privacy is considered as an independent legal right, whereas in other countries no legal action can be brought for invasion of privacy.

A further key aspect will be the protection of the personal sphere at the age of internet. New technologies allow for arguably unlimited collection, sharing and storage of personal information. We will examine whether some laws are more concerned than others about these developments and whether there are common approaches, comparable legislation or similar case law.

### **Goals**

The students will be familiar with the Swiss, foreign and international case law and legislation discussed in class. They will be able to describe the similarities and differences regarding the protection of privacy under the different laws and draw conclusions from this comparison.

The students are expected to have done the recommended reading and to actively participate in class.

### **Examination**

There will be a final oral exam of 15 minutes at the end of the course.

## **“Comparative Constitutional Law”** (Semester course)

**University of Fribourg - Spring 2016**

*Prof. Eva Maria Belser*

### **Description**

In this course, students will analyse constitutional matters such as government systems, judicial review, checks and balance arrangements, and human rights protection from a comparative perspective. We will first focus on fundamental constitutional values, such as individual freedom rights, and examine how these values are protected and promoted in different constitutional systems. By analysing constitutional texts, cases and further materials (for instance in the field of free speech, freedom of religion and non-discrimination) we will aim at better understanding different human rights concepts and concretisation mechanisms as well as common features of different legal systems and contexts. We will then turn to constitutional principles such as democracy, the rule of law, federalism and decentralisation and familiarize ourselves with different ways to organise public participation, to protect common interests and to set up a system of horizontal and vertical power sharing. In doing so, we will also try to better understand how different constitutional systems are affected by and react to increasing internationalisation of fragmentation of law and society. Throughout the course, we will discuss methodological matters of comparative law and improve our knowledge in the general theory of the state. The main focus of the course will be on the following constitutional systems: Germany, France, Switzerland, USA, India, South Africa and Ethiopia but we will also look at some new or fragile states and at some states in transition (Kosovo, South Soudan, and Nepal, etc.). Time permitting we will moreover discuss some new challenges to constitutional law such as migration, erosion of state power, and the impact of new technologies on constitutional matters.

### **Goals**

These are the main objectives of the course

- students are familiar with comparative working methods;
- students know various constitutions and court cases and are able to deal with different legal texts and cases;
- students are aware of different human rights concepts and implementations mechanisms;
- students are acquainted with different state organization systems and are able to grasp differences and commonalities;
- students understand the importance of context to constitutional questions and answers

### **Examination**

There will be an oral exam at the end of the course (15 minutes). Before the exam, students will have 15 minutes to prepare for the exam topics. They can take all documents and personal notes to the exam (open book).

### **Materials**

At the beginning of the course, documents (constitutional texts) will be sold (costs: around 30.- CHF). Additional documents will be available on moodle.

Please register before the beginning of the course ([madeleine.waeber-vonlanthen@unifr.ch](mailto:madeleine.waeber-vonlanthen@unifr.ch)).



# **“Contract: From National to Transnational and European Law”**

(Block course)

**University of Fribourg – Fall 2015**

*Prof. Franz Werro*

*Prof. Pascal Pichonnaz*

## **Description**

This course consists of an in depth study of contract law, both from a doctrinal and practical point of view. The course tackles classical contract questions (such as formation, mistake, remedies) and highlights differences and convergences between the civil law and the common law tradition on the basis of practical cases.

At the same time, this analysis reflects some of the issues faced in the process of European private Law unification. Some time is also devoted to the drafting techniques of contracts, again comparing Anglo-American with civilian approaches. Practicing attorneys will join the course to illustrate those approaches. Professor Geoffrey Samuel (University of Kent) joins for part of the lectures.

## **Goals**

The course mainly aims at assimilating similarities and differences between the Common Law and Civil Law systems, within the perspective of European Law private Law unification efforts.

Through studying some Contract Law institutions, the students will deepen their knowledge of Swiss Contract Law and also get acquainted with legal comparison.

## **Examination**

Two hours written exam.

## **Documentation**

P. Legrand / G. Samuel, *Introduction au common law*, Collection Repères, éd. La découverte, Paris 2008.

The materials will be given on the first day of the course, and will be made available on “moodle”.

# **“International Criminal Justice – Justice pénale internationale”**

(Block course)

**University of Fribourg – Fall 2016**

*Prof. Samantha Besson*

*Dr. Guénaél Mettraux*

## **Descriptif / Description**

This Master block course aims at providing students with a concrete and contextualized understanding of the role, functioning and legitimacy of international criminal justice. Certain issues in international criminal law will be addressed more specifically and in particular: international procedural criminal law, the organizations of international criminal tribunals and the principle of complementarity with domestic criminal justice.

The course amounts to periods of lectures, interactive seminars and specialized conferences where participants get a chance to debate with invited speakers. Passive understanding of English is required and the course is taught primarily in English, but also in French by Dr Guénaël Mettraux, Senior Lecturer, and Prof. Samantha Besson. A 2-day trip to The Hague is organized during the course's second week to visit different international criminal tribunals. During the third week of the course, students are asked to write an essay that is marked and counts as an exam.

Ce cours bloc de Master a pour objet d'offrir aux étudiants une perception concrète et une compréhension contextualisée du fonctionnement et de la légitimité de la justice pénale internationale. L'accent sera mis sur certains aspects de droit international pénal en particulier, comme notamment le droit international pénal procédural, l'organisation des tribunaux pénaux internationaux et la complémentarité avec la justice pénale nationale.

Le cours sera organisé à la fois sous forme d'enseignements généraux, de séminaires interactifs et de conférences spéciales à l'issue desquelles les participants pourront débattre avec le conférencier. La compréhension passive de l'anglais est requise et le cours sera donné de manière bilingue anglais/français par le Dr Guénaël Mettraux, Chargé de cours, et la Prof. Samantha Besson. Durant la deuxième semaine de cours, les étudiants auront la possibilité de mettre leurs connaissances à profit lors d'un voyage d'études de 2 jours auprès des différents tribunaux pénaux à La Haye. La troisième semaine du cours sera consacrée à la rédaction d'un essai qui sera noté et fera office d'examen.

### **Objectifs / Goals**

The students acquire in-depth and critical knowledge of international criminal justice.

Les étudiants acquièrent des connaissances approfondies et critiques sur la justice pénale internationale.

### **Examen / Examination**

Students write an essay during the third week of the course and that essay is marked as an exam. Students are requested to write that essay personally. Formal instructions will be handed out during the course.

L'examen prend la forme d'un travail écrit rédigé durant la troisième semaine du cours en conditions de mémoire (travail personnel, avec déclaration sur l'honneur). Les conditions formelles seront communiquées séparément.

### **Matériel / Materials**

- Course Reader, on sale during the first class.
- Additional documents made available on «Moodle» (<http://moodle2.unifr.ch/>; Droit international et commercial).
- An updated version of Public International Law texts: Ziegler A.R./Besson S., Traités internationaux, latest edition or David E./Van Assche C., Code de droit international public, latest edition or Dupuy P.-M., Les grands textes de droit international public, latest edition
- Recueil de documents, en vente lors du premier cours.
- Autres documents de cours disponibles sous Moodle (<http://moodle2.unifr.ch/>; sous Droit international et commercial).
- Une version à jour des grands textes de droit international public: Ziegler A.R./Besson S., Traités internationaux, dernière édition ou David E./Van Assche C., Code de droit international public, dernière édition ou Dupuy P.-M., Les grands textes de droit international public, dernière édition.

## **“International Contracts and Arbitration”** (Seminar)

**University of Fribourg – Spring 2017**

*Prof. Thomas Probst*

### **Description**

This Seminar on International Contracts & Arbitration deals with typical issues that arise in connection with international contracts and with their resolution by arbitral proceedings. The first part of the seminar comprises five lecture-type sessions (February/March 2015) during which the fundamentals of international contracts and of international arbitration will be discussed (including external experts). The second part consists of a moot court arbitration on a case related to an international contract (April/May 2015).

### **Goals**

This Seminar aims at providing students with specific knowledge and know-how as to international contracts and related dispute resolution by arbitration.

### **Examination**

There is no specific exam. The assessment will be based on a) active participation during lectures: 1/3; b) quality of written briefs / arbitral award: 1/3; c) oral pleadings and deliberation: 1/3.

### **Documentation**

Documents will be made available on the homepage of Professor Probst

## **“Federalism, Decentralisation and Diversity”** (Summer University)

**University of Fribourg – Spring 2016**

*Prof. Eva Maria Belser*

### **Description**

The Summer University on "Federalism, Decentralisation and Conflict Resolution" is an intensive three-week course organised by the Institute of Federalism and aimed at students in law, economics, political and social sciences, and international relations from all over the world. This year's edition will take place from 20 August - 7 September 2012. The course, taught in English by faculty members and foreign experts, attracts every year around 40 students and young researchers from Europe, Asia, Africa, and the Americas. In addition, it is open for 10 master students of the Faculty of Law.

The course "Federalism, Decentralisation and Conflict Resolution" focuses on a number of questions related to state organisation, power division and democratic governance in multicultural societies. Participants will first address the basic concepts and institutional principles of federalism and decentralisation and the opportunities these concepts offer for accommodating linguistic, religious, or ethnic minorities and for dealing with economic and social diversity. Participants will then get involved in country studies and case analyses. The focus will be on well established federal states (such as Switzerland, Germany, the US or Canada), new federal states (such as Belgium, Spain, Ethiopia or South Africa) and on post-conflict societies whose federal constitutions are not yet consolidated (such as Irak or Sudan). Participants will also discuss countries in conflict or recovering from conflict (such as Nepal or Nigeria) and get introduced to mechanism of conflict resolution and peace negotiation.

The course offers the unique opportunity to discuss issues of self-determination and state-building with researchers from Kosovo or South Sudan, and to analyse different concepts of human rights and minorities protection with students and experts from China, the Philippines, South Africa or Canada. We therefore welcome Swiss master students who have good English language skills and who enjoy an international and interdisciplinary atmosphere.

Participants will receive reading material before the beginning of the course and have to hand in a written paper. During the course, active participation is required.

Please note: The Course is organised outside of the regular term (**mid-August – September 2015**).

For further information: Check our website at [www.unifr.ch/federalism](http://www.unifr.ch/federalism) or contact Yvonne Heiter-Steiner at [yvonne.heiter-steiner@unifr.ch](mailto:yvonne.heiter-steiner@unifr.ch).

### **Goals**

The participants understand the principles of federalism and decentralisation in conflict resolution. The newly acquired knowledge is transferred and has an impact on their daily work as academic or young professional.

### **Examination**

At the end of the three weeks, there will be a written exam. Final grade will be calculated as following:

- 2/6 Paper (taking into account the commentary)
- 1/6 Entrance exam
- 1/6 Participation during classes
- 2/6 Final exam

In order to successfully complete the Summer University, the participants must attend the whole course.