



LE CONTRAT DE VENTE INTERNATIONAL EN ANGLAIS (2 jours)

Les régimes juridiques passés au crible. Contrat de vente, d'agence, de franchise ou de cession de licence, les grandes familles du droit international et les conventions en vigueur. Les contraintes réglementaires liées aux technologies de pointe, les clauses de propriété ou encore l'arbitrage des litiges voici un florilège des domaines traités avec un expert. S'adresse aux juristes, chefs d'entreprise, cadres commerciaux

THE PROGRAMME

(A) OBJECTIVES

- - To provide an overview of the contractual and legal framework
- - Understanding the mutual obligations and their effect
- - To understand risks and possible ways of covering them

(B) CONTENT

1. Contract fundamentals

- Basic elements and formation of contract
- The governing law and the concept of precedence
- Legal families, the choice of the governing law & ruling language
- Dispute resolution (State courts/Arbitration)
- Contract performance
- Assignment/sub-contracting
- Defective/delayed performance
- Monetary compensations (penalties/liquidated damages)
- Force majeure/hardship clause
- Termination of contract
- Contract documents and their priority
- Definitions and interpretations

2. Contracts of sale

- Formation of contract and applicable law
- The Vienna Convention
- The battle of forms
- Description of goods
- Acceptance/rejection of goods
- Contract price/price revision
- Terms and conditions of delivery
- Transfer in ownership, passing of risks



- The ICC “Incoterms 2010”
- Terms of payment (clean and documentary)

3. Supply & erection contracts

- The flowdown context and contracting parties
- Entry into force of the contract
- Scope and limit of works/supplies
- Sub-contracting & « if & when » clauses
- Payment provisions and timing
- Bank guarantees and other sureties (bonds, standby letters of credit)
- Local work/supplies and provisions in case of subsequent legislation

4. Resolving claims

- Variations in the works (changes in quality and/or quantity)
- Adverse conditions
- Delayed and/or suspended performance
- Pricing claims
- Negotiating settlements
- Avoiding future claims

5. Supply of services

- Description and scope of services
- Result based contracts vs resources based contracts
- Terms in respect of care and skill
- Obligation to cure, remedy, make good
- Terms in respect of time for performance

6. Contracts of agency

- Legal nature of the contract of agency
- Types of agents (procuring agent, commissionaire ...)
- Agent’s authority
- Rights and obligations of the parties (Principal/agent)
- Scope of services/Products/Objectives
- Territory/Term of contract/Remuneration

7. Electronic Commerce

- Interchange agreements and contract law
- Buying/selling on the Internet
- Impact of European legislation (consumers vs professionals)

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