



International Commercial Law

18.06.2021

Duration of the exam: 3 hours
Consultation of academic materials allowed

Please **answer 4 and only 4** of the following 6 questions.

(5 points per question)

Question 1: Under European Union law, what are the rules applicable to determine jurisdiction in international contracts?

Question 2: What role does party autonomy play to determine the applicable law to international contracts under European Union law?

Question 3: Are the general provisions on the Principles of European Contract Law relating to the conclusion of a contract (offer, acceptance, time in which the contract is concluded) and good faith more closely aligned to provisions of civil law or common law systems?

Question 4: How has the regulation of human rights and environmental issues in international trade evolved over time? What do you consider to be the right approach?

Question 5: Has the case-law concerning alleged corporate human rights harms in international trade evolved in a similar direction in the U.S. of America and in the European Union?

Question 6: Consider the following scenario:

Goodies is a UK based food & beverage company. Amongst the key components of its well known spread is cocoa and palm oil. Goodies receives its palm oil from one of its subsidiaries, Goodies Indonesia (domiciled in Indonesia), and its cocoa from one of its suppliers, Cocoa & Co which is domiciled in Côte d'Ivoire. Cocoa & Co only supplies its products to Goodies. In the past few months, two complains have been filed by NGOs against Goodies before the UK OECD National Contact Point. The first complaint was filed on the basis of allegations that child labour being used in the cocoa plantation of Cocoa & Co in Côte d'Ivoire. The second complaint was filed on the grounds that the palm



oil plantations established by Goodies Indonesia have destroyed significant portions of rainforests, therefore contributing to the loss of biodiversity, the destruction of wildlife, impacting the rights of local communities and exacerbating climate change.

Considering the relevant legal framework, answer the following questions:

- What is the responsibility, if any, of Goodies in relation to both these allegations?
- What actions would you recommend Goodies to take?