

# A Basic Guide to International Business Law

**H. Wevers, LL.M.**

---

Fifth Edition

Noordhoff Uitgevers Groningen | Utrecht

# Contents

<b>1</b>	<b>Introduction to International Private Law and European Law</b>	<b>9</b>
1.1	Introduction to International Private Law	11
1.2	Introduction to European Law	14
1.3	Cases of the European Court of Justice	24
	Case Costa vs ENEL	24
	Case Van Gend & Loos	25
	Case Francovich	25
	Case of Foglia vs Novello	28
	Case of Cilfit	31
	Summary	35
	Glossary	37
	Exercises	39
<b>2</b>	<b>Negotiations</b>	<b>43</b>
2.1	Reaching an agreement	45
2.2	Legal aspects of negotiations	49
	Case of Baris vs Riezenkamp	49
2.3	Breaking off negotiations: breach of contract or tort?	50
2.4	Cases at the preliminary stage	54
	Case AGA – Bouw	55
	Case VSH vs Shell	56
	Summary	59
	Glossary	60
	Exercises	62
<b>3</b>	<b>Courts</b>	<b>67</b>
3.1	What court of law has jurisdiction?	69
3.2	Brussels I Regulation: what countries are involved?	69
3.3	Rules concerning jurisdiction of the Brussels I Regulation	69
3.4	Execution of the verdict under the Brussels I Regulation	76
3.5	Arbitration	77
	Summary	79
	Glossary	81
	Exercises	83

## 4 Law 87

- 4.1 Introduction to Rome I 89
- 4.2 Conditions on the use of Rome I 89
- 4.3 Content of Rome I 90
  - Case of Sanchez 96
  - Case of Alnati 97
- 4.4 Combination of Brussels I and Rome I 99
  - Case of BOA 99
- 4.5 Law applicable to international torts Rome II 100
  - Summary 103
  - Glossary 104
  - Exercises 106

## 5 CISG 109

- 5.1 Introduction to the CISG 111
- 5.2 Application of the CISG 111
- 5.3 Content of the CISG 113
- 5.4 Answers to CISG Exercises 119
- 5.5 Art. Brussels I, determining place of performance of obligation in question 121
  - Summary 124
  - Glossary 125
  - Exercises 126

## 6 The free movement of goods, persons, services and capital 129

- 6.1 Introduction to the free movement of goods 131
- 6.2 Quantitative restrictions 131
- 6.3 Measures having an effect equivalent to quantitative restrictions 131
- 6.4 Art. 36 TFEU: derogation from Art. 34 and 35 TFEU 134
- 6.5 Case law to justify restrictions on the free movement of goods 135
- 6.6 The free movement of workers 137
- 6.7 The freedom of establishment 142
- 6.8 The freedom to provide services 143
- 6.9 The freedom of capital 145
- 6.10 Cases of the European Court of Justice on the free movement of goods, workers and capital, the freedom to provide services and the freedom of establishment 145
  - Case Dassonville 145
  - Case Cassis de Dijon 147
  - Case Rüffler 148
  - Case Engelmann 149
  - Summary 151
  - Glossary 153
  - Exercises 154

<b>7</b>	<b>Competition law</b>	<b>159</b>
7.1	Introduction to competition and cartel law	161
7.2	The cartel law of Art. 101 TFEU	161
7.3	The abuse of a dominant position under Art. 102 TFEU	166
7.4	Mergers	169
7.5	Cases of the European Court of Justice on cartel law	171
	Case Vereeniging van Cementhandelaren	171
	Case ICI	173
	Case Grundig vs Consten	174
	Case Chiquita	177
	Summary	182
	Glossary	183
	Exercises	184
<b>8</b>	<b>Carriage, Incoterms, Payment and Entry modes</b>	<b>187</b>
8.1	Carriage	189
8.2	Incoterms	200
8.3	International payments	203
8.4	Entry modes	210
	Summary	215
	Glossary	216
	Exercises	217
	<b>Index</b>	<b>221</b>