

**COURSE DATA****Data Subject**

Code	42708
Name	Mediation and arbitration in international businesses and companies
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2022 - 2023

Study (s)

Degree	Center	Acad. Period year
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	Faculty of Law	1 First term

Subject-matter

Degree	Subject-matter	Character
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	12 - Mediation and arbitration in international businesses and companies	Obligatory

Coordination

Name	Department
MARTI MOYA, VANESSA	70 - Mercantile Law 'Manuel Broseta Pont'

SUMMARY

Mediation and arbitration are suitable mechanisms to solve the conflicts that arise both in the field of Corporate Law and also in international trade. With regard to mediation, providing a means of solving the dispute as less traumatic as possible, allowing the maintenance of the relationship between partners or between companies operating in the same sector. With regard to arbitration, providing a neutral venue and a specialized solution.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat

- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.
- Students should demonstrate self-directed learning skills for continued academic growth.
- Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.
- Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.
- Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.
- Proyectar sobre problemas concretos sus conocimientos y saber resumir y extraer los argumentos y las conclusiones más relevantes para su resolución.
- Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.
- Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.
- Aplicar las diferentes técnicas y conocimientos jurídicos a la resolución práctica de los proceso de mediación y arbitraje de materias específicas.

LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

Identification of the advantages of mediation and arbitration in the field of corporate law and international trade. Knowledge of the inherent problems of these mechanisms. Knowledge of the different types of mediation and arbitration which can be used and the most relevant Centres and Courts.



DESCRIPTION OF CONTENTS

1. Mediation and arbitration as alternative dispute resolution systems in corporate conflicts.

1. Dispute Resolution Systems and corporate structures.
2. Corporate arbitration. Evolution and scope.
3. Mediation as Alternative Resolution System in corporate conflicts.

2. International aspects of mediation and arbitration in the field of Corporate Law and international trade

1. International regulation of corporations and international trade.
2. Transnational means of mediation on this matter.
3. International arbitration on corporate issues and on international trade.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	18,00	100
Tutorials	12,00	100
TOTAL	30,00	

TEACHING METHODOLOGY

Theoretical explanation: The Lecturer will present and explain in a dynamic way the basic elements which must lead students to understand the subject, using practical cases, analysis of case law and doctrine. The student shall be engaged actively to participate in the learning process.

Applied activities: They will consist, above all, in resolution of practical cases. They will help students to become familiar with the relevant materials and legislation of this field.

Office hours: Any question or concern students may have related with this subject will be resolved during the office hours which Lecturer shall establish to this end.

EVALUATION

The final mark is composed of:

20%: attendance (the total sum of attendance to the classes scheduled in the module would therefore mean a 2 in the final grade, while a lower attendance will imply the proportional mark)



30%: participation (will be taken into account the level of active participation of students, corresponding to each teacher of the module assign half of this concept, i.e. the 15% of the final mark)

50%: evaluable tests (each teacher will send some case studies to be solved, being afterwards added the respective marks which, as a whole, will amount to a maximum of 5 in the final mark or the corresponding proportion)

The evaluation system described will be applicable both in the first and in the second call.

REFERENCES

Basic

- CARAZO LIÉBANA, M.^a J., *El arbitraje societario*, Madrid, Marcial Pons, 2005.
- BOLDÓ RODA, M.^a C. (Dir.), *La mediación en asuntos mercantiles*, Valencia, Tirant Lo Blanch, 2015.
- PERALES VISCASILLAS, P., *Arbitrabilidad y convenio arbitral: Ley 20/2003, de Arbitraje y Derecho societario*, Cizur Menor (Navarra), Aranzadi, 2005.
- REDFERN, A./ HUNTER, M./ BLACKABY, N./ PARTASIDES, C., *Redfern and Hunter on International Arbitration*, 6^a ed., Oxford, Oxford University Press, 2015.
- RODRÍGUEZ ROBLERO, M.^a I., *Impugnación de acuerdos sociales y arbitraje*, Barcelona, Bosch, 2010.

Additional

- COMISIÓN PARA EL ESTUDIO DEL ARBITRAJE SOCIETARIO, CLUB ESPAÑOL DE ARBITRAJE, *Informe sobre el Arbitraje Societario en España*, https://www.clubarbitraje.com/wp-content/uploads/2019/06/cea_Arbitraje_Societario_1.pdf
- BARONA VILAR, S./ESPLUGUES MOTA, C., *Arbitraje. Legislación Básica*, 4^a ed., Valencia, Tirant Lo Blanch, 2012.