

Transport Law (B001762)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0 **Study time 120 h** **Contact hrs** 30.0h

Course offerings and teaching methods in academic year 2022-2023

A (semester 1)	English	Gent	practicum	15.0h
			lecture	25.0h
			excursion	5.0h
B (semester 2)	English	Gent		

Lecturers in academic year 2022-2023

Bernauw, Kristiaan RE21 lecturer-in-charge

Offered in the following programmes in 2022-2023

	crdts	offering
Master of Science in Teaching in Social Sciences(main subject Laws)	4	A
Master of Laws in Laws	4	B

Teaching languages

English

Keywords

Transport regulation, contract of carriage, cargo transportation, passenger transportation, transport modes, transport documents

Position of the course

The goal of the course consists of :

- Deepening the knowledge of transport law, that was only summarily addressed in the preceding education in the context of the general course of business law.
- Situating of transport law in the other legal disciplines (business law, more precisely insurance law, financial law, competition law, civil law, conflicts of laws, international public law, criminal law, administrative law, etc.).
- Guidance in the specific sources of transport law in their mutual interrelationship (international treaty law, European law, national law, sectoral self-regulation via standard general conditions, developed by the professional organisations).
- Teaching the jargon of the transport sector, both in English and Dutch languages.
- Insight in the link between the adaptation of the transport law regime and the changed technological, (increased reliability), socio-politico-economic (liberalisation and deregulation of the European and the world market) circumstances
- Comparative law approach via elucidation of the differences and similarities in approaches of the common law and civil law legal cultures.
- Legal contextualizing of the functioning and organisation of the transport activity (business processes and actors involved, like transporters, intermediary and auxiliary persons, etc.)
- Familiarization with transport documents (bill of lading, air waybill, charter party, CMR consignment note, etc.).

Contents

- Overview of the regulatory regime of the transport activities.
From a Belgian, European and international perspective.
Both from a public law point of view (licensing, acces to the market, tarification

etc.) and from a private law point of view (contract of carriage and carrier liability)
 In the various transport modes (air, sea, road, rail, inland navigation)
 With respect to transportation of persons (passengers) and goods (cargo).
 The course comprises the study of the relevant transport documents : bill of lading,
 air waybill, charter party etc.)-- Klik om te editeren ---

Initial competences

Good legal education but only basic knowledge of transport law.

Final competences

1 Insight in the supranational origine of the transport law.

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2 Understanding of the international regime in force against the background of the harmonization of civil and comm law legal cultures.

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3 Realizing the link between transport law and other branches of the law (business law, civil la and third party liability law, conflicts of laws, criminal law, international public law, administrative law).

4 Realizing the link between the transport contract and other contracts in international commercial transactions (sales, transport, insurance, finance)

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5 Understanding the rationale of the specificity of the transport law regime (limitations and exonerations of liability, short time bars, etc.) as justified by the characteristics of the transport operation (perillous activity).

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6 What do you want to do ?New mailCopy
 Insight in the regulation of the access of the transport operator to the profession and tot he market based on a market economy or a centrally led economy.

7

Insight in the organisation of the transport sector (business processes and auxiliaries and intermediaries) and situation in the logistic chain.

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8 What do you want to do ?New mailCopyWhat do you want to do ?New mailCopy
 Understanding the link between transport law and other disciplines (logistics, technology).

9 Realizing the impact of new technology on the transport activity : e-trade, unmanned vehicles, artifical intelligence, smart contracts, block chain, etc.)

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10 What do you want to do ?New mailCopy
 Readily available knowledge of the transport licensing conditions, the contractual (rights and duties of the parties involved) aspects of transport, particularly relating to carrier liability.

11 Smooth treatment of the transport issue on the corporate and the policy level or in the legal practice.

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12 Ability to process transport documents (filling out, interpretation, establishing the legal consequences) and understanding the goald of their application, i.a. in the context of the proof of liability and the documentary credit.

13 Critical attitude and ability of societal reflection on the carrier liability regimes in forces (limited versus unlimited) and on the carrier licensing conditions (regulated versus deregulated/liberalized)

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14 Ability for more specialised study and/or formulation and execution of research in the field of transport regulation and the transport contract.

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Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Practicum, Group work, Excursion, Lecture

Extra information on the teaching methods

The transfer of knowledge is realised via ex cathedra lectures. Interaction is stimulated via asking questions, collective reasoning on the societal dimension of some regimes and the provocation of reaction on opinions.

The acquired knowledge of the subject matter is also applied in the plenary discussion of a number of practical examples and cases. The students are thereby invited to formulate their point of view. Creative, but well founded opinions are encouraged. Besides the substantive law solution of the problem, the case is also the occasion for societal reflection on material law.

Students in groups of 4 to 5 will be charged with a concise research project on recent supranational case law (e.g. E.U. Court of Justice ruling) or legislation or an interesting event of global relevance (such as e.g. Costa Concordia or Ever Given disasters, etc.). The research will result in a paper to be presented to the fellow students during the last classes before the end of the semester.

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Learning materials and price

The syllabus is available at the secretariat of the Institute at the price of EURO 8,00.

It contains :

- the text of the subject matter
- the print of the power point slides used for the lectures
- a bibliography with references for self-study and further research
- a set of specimens of transport documents in the attachment.

De commercial edition of the transport code is recommended

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References

CLARINGBOULD, M. and VAN DER VALK, T. International Transport Treaties, The Hague, Kluwer Law International, loose-leaf.

Web-site sources will be indicated in the lectures and syllabus.

Course content-related study coaching

The lecturer and the assistant are available for individual clarification of any problems arisen in the assimilation of the subject matter during office hours, by appointment or by e-mail

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Written examination

Examination methods in case of periodic assessment during the second examination period

Written examination

Examination methods in case of permanent assessment

Assignment

Possibilities of retake in case of permanent assessment

not applicable

Extra information on the examination methods

Partly written exam (half open book; the use of legal texts is allowed)

Partly research project

Calculation of the examination mark

Written exam : 80% (4/5) of the final score

Research project : 20% (1/5) of final score