# .-European Law of Obligations and Contracts

## Prof. Renzo Rossi

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to explore the European dimension of private law, through the analysis of the latest EU interventions in different fields, especially from the point of view of the case law of the Court of Justice, the codification projects of the EU, and the main features of its Member States.

The single-subject part of the course, instead, aims to explore a selection of topics related to digital innovation, also through the analysis of the most significant courts’ rulings.

At the end of the course, students will be able to outline the effects, on the Italian scenario, of the goals, tools, and solutions offered by European law, and identify its key principles, terminology, and implications for the legal system.

At the same time, students will be able to study the harmonisation process of national laws; identify the role played by the institutional actors involved in this process and, more in general, in the spreading of different legal models in Europe; carry out a critical analysis of the rules – both in terms of positive law and case law – regulating specific fields (e.g. consumer contracts, producer responsibility, competition law, etc.).

***COURSE CONTENT***

**General course:** *EU private law*

* EU private law. The harmonisation process and the codification projects.
* The effects of EU law on the main principles of domestic contract law: contractual autonomy and causal judgment; fundamental rights and non-discrimination law; pre-contractual liability and information requirements; formalities; good faith; standard form contracts and the so-called ‘battle of forms’; contract termination; change of circumstances.
* EU consumer contract law. Unfair terms. Sale of consumer goods and credit to the consumer. The Package Travel Directive.
* EU law regulating the relationships between companies. Combating late payment in commercial transactions. Subcontracting and abuse of economic dependence. Franchising.
* Contracts and competition. Anti-competitive agreements and abuse of a dominant position. Unfair trade practices. The powers of the Italian Competition Authority (in Italian: *Autorità Garante della Concorrenza e del Mercato*) and EU policy on antitrust.
* EU civil liability: damage caused by a defective product; environmental damage.

**Single-subject course**: *EU private law and digital law*

* Abuse of a dominant position and the Internet
* *Privacy*. The General Data Protection Regulation (GDPR).
* The digital single market and the latest directives on contracts for the sale of consumer goods and the supply of digital content and services.

#### READING LIST

For the final exam, attending students will have to study their lecture notes and the additional reading list recommended by the lecturer.

Non-attending students, instead, will have to study the following textbooks:

S. Mazzamuto*, Il contratto di diritto europeo,* 4th  edition, Giappichelli, Turin, 2020 (only chapters I, V, VII and IX).

G. Benacchio, *Diritto privato della Unione Europea*. *Fonti, modelli, regole*, 7th edition, WoltersKluwer-Cedam, 2016 (only chapters V, VI, VIII, IX, and X).

Alternative textbooks or essays may be indicated by the lecturer on his web page.

***TEACHING METHOD***

Frontal lectures, based on active participation of students. In particular, they will have the possibility to present relevant case law in front of the rest of the class (especially the cases created by the Court of Justice of the European Union).

Only if necessary will these activities be held online.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam, consisting in three questions on three different topics explained during the course. The final mark will be expressed in thirtieths, considering the accuracy of the answers provided by the students and the ability to make a clear exposition thanks to the use of argumentation.

In particular, during the exam, students will be assessed on their ability to orient themselves among the topics and issues presented in class or explained in the teaching material, on their knowledge of the most relevant concepts of positive law, and the ability to explain the impact of EU law on domestic law.

Furthermore, attending students will have the possibility to take an optional written interim test (duration: 2 hours) focused on the first part of the course, and consisting in three open-ended questions. The mark will be expressed in thirtieths. The second part of the exam, instead, will be an oral test based on the second part of the course. In this case, the final mark will result from the average between the two tests. The students passing the interim test before the end of the academic year will not be assessed on the first part of the course during the oral test.

Non-attending students will have to study the reading list mentioned above.

***NOTES AND PREREQUISITES***

Students should have a good knowledge of private law and a basic knowledge of English and French.

In addition, while preparing for the final exam, they are invited to consult an updated edition of the Civil Code and relevant legislative texts.

Information on office hours available on the teacher's personal page at http://docenti.unicatt.it/.