



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2023/2024		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	CIVIL LAW I		
TYPE OF EDUCATIONAL ACTIVITY	A		
AMBIT	20003-Privatistico		
CODE	02416		
SCIENTIFIC SECTOR(S)	IUS/01		
HEAD PROFESSOR(S)	VENUTI MARIA CARMELA MODICA LARA	Professore Ordinario Professore Ordinario	Univ. di PALERMO Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	8		
INDIVIDUAL STUDY (Hrs)	136		
COURSE ACTIVITY (Hrs)	64		
PROPAEDEUTICAL SUBJECTS	04035 - ELEMENTS OF PRIVATE LAW		
MUTUALIZATION			
YEAR	3		
TERM (SEMESTER)	1° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	MODICA LARA Wednesday 15:00 17:00 Teams VENUTI MARIA CARMELA Thursday 11:00 14:00 Dipartimento di Giurisprudenza, via Maqueda, 172, studio del docente al 1° piano, a destra salendo le scale o uscendo dall'ascensore. In alternativa sulla piattaforma teams, sempre previa prenotazione.		

PREREQUISITES	Basic knowledge of the system of domestic private law ; basic knowledge in the field of the Sources of Law, particularly referred to the relationship between European Union Law and Domestic Law
LEARNING OUTCOMES	<p>Knowledge and understanding: Students must demonstrate a systematic understanding of rules and basic principles in the field of contract law, with particular reference to the effects of the interaction between domestic law and European legislation; and mastery of the skills associated with the field of study.</p> <p>Ability to apply knowledge and understanding: Students must have the ability to identify and use data to formulate responses to well-defined concrete and abstract problems; Students must be able to apply their knowledge and understanding in a manner that indicates a professional approach to their work or vocation, and have competences typically demonstrated through devising and sustaining arguments and solving problems within their field of study.</p> <p>Making judgments: Students must have critical awareness of the growing complexity of the contract law system and be able to handle such a complexity; They must demonstrate ability to formulate judgements on the basis of limited information</p> <p>Ability to Communicate: Students should achieve the ability to gather and interpret relevant data, to inform judgements that include reflection on relevant juridical issues; they should be capable of critical analysis, evaluation and synthesis of problems involved in occurring facts of a case at stage , and to communicate information, ideas, problems and solutions to both specialist and non-specialist audiences</p> <p>Capacity Learning- Lifelong learning skills: Students will be provided with all the methodological tools adequate to master the aforementioned topics, with particular reference to the law making role of both the European Court of Justice and the Italian Supreme Court ; they must demonstrate capacity to to unveil the deeper interconnections between domestic law and European Union legislation in contract law, and to apply the notions learned. Students should have the learning skills to allow them to continue to study in a manner that may be largely self-directed or autonomous., in Phd Courses, Master Course of second level, etc.</p>
ASSESSMENT METHODS	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude. The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialized language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue possible solutions. The interview consists of a minimum of three questions. The evaluation will take place 'in conformity' to the following evaluation grid - Excellent 30 -30 cum laude: good knowledge of the topics, excellent property of language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives - Very good 26-29: good knowledge of the topics, good property of language, good analytical capacity; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The student is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analyzed - Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analyzed - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed - Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda.</p>
EDUCATIONAL OBJECTIVES	<p>The course aims to provide students with a level of knowledge and methodological approach adequate to their qualifications as "european lawyer" within academic and professional contexts. Students will be provided with some theoretical tools and materials which are essential for the critical rethinking of the subject matter of this course. Special attention will be paid to leading cases and statements both of European Court of Justice and Italian Supreme Court. Students who complete this course should a) have command of the general principles of the law of contract — that is, the general rules in Civil Code, the statutory rules relating to specific contracts with particular reference to consumer contracts ; and (b) understand the practical , economic and social context in which those rules operate. The course is designed to satisfy certain requirements regarding the knowledge expected of applicants for admission to legal practice and is designed to contribute to the development of the following graduate attributes in particular: (a) a knowledge and understanding of the basic principles of the primary areas of Italian contract law as required to satisfy the academic standards for admission to practice law; (b) the capacity to analyse,</p>

	evaluate and synthesise information from a wide variety of sources and experiences; (c) an awareness of the incompleteness of law and the continuous state of development of legal principles; and (d) the development of critical thinking and problem solving skills.
TEACHING METHODS	Lectures throughout the semester, according to the provided unit (8 Unit Course)
SUGGESTED BIBLIOGRAPHY	Testi consigliati/Suggested Bibliography: R. ALESSI., La disciplina generale del contratto, Giappichelli, quarta edizione Codice Civile, a cura di A.- Di Majo, Giuffre' editore, Milano - ultima edizione in commercio Schulze-Zimmermann-Sirena, Diritto privato europeo. Testi di riferimento, Giappichelli, 2017

SYLLABUS

Hrs	Frontal teaching
3	Definitions in contract law
3	PLACE AND SOURCES OF CONTRACT LAW
9	EUROPEAN UNION LAW OF CONTRACT ; CONSUMER CONTRACTS
15	BASIC REQUIREMENTS (Agreement, Offer and Acceptance; Precontractual Liability and Information Duties; Defects of Consent; Cause; Formal Requirements).
9	CONTENTS AND INTERPRETATION- KEY ISSUES IN UNFAIR CONTRACT TERMS CONTROL
6	OBLIGATIONS AND EFFECTS. CATEGORIES OF CONTRACTS
10	CONTROL UNDER GENERAL LAW - VALIDITY
9	REMEDIES FOR NON PERFORMANCE AND SUPERVENING EVENTS IN THE LIFE OF CONTRACT

PREREQUISITES	Basic knowledge of the internal private law system; basic knowledge of the discipline of the sources of law, particularly referred to the relationship between European Union law and domestic law.
LEARNING OUTCOMES	<ul style="list-style-type: none"> - Knowledge and understanding: Students must demonstrate a systematic understanding of rules and basic principles in the field of contract law, with particular reference to the effects of the interaction between domestic law and European legislation; and mastery of the skills associated with the field of study. - Ability to apply knowledge and understanding: Students must have the ability to identify and use data to formulate responses to well-defined concrete and abstract problems; Students must be able to apply their knowledge and understanding in a manner that indicates a professional approach to their work or vocation, and have competences typically demonstrated through devising and sustaining arguments and solving problems within their field of study. - Making judgments: Students must have critical awareness of the growing complexity of the contract law system and be able to handle such a complexity; They must demonstrate ability to formulate judgements on the basis of limited information - Ability to Communicate: Students should achieve the ability to gather and interpret relevant data, to inform judgements that include reflection on relevant juridical issues; they should be capable of critical analysis, evaluation and synthesis of problems involved in occurring facts of a case at stage , and to communicate information, ideas, problems and solutions to both specialist and non-specialist audiences - Capacity Learning- Lifelong learning skills: Students will be provided with all the methodological tools adequate to master the aforementioned topics, with particular reference to the law making role of both the European Court of Justice and the Italian Supreme Court; they must demonstrate capacity to to unveil the deeper interconnections between domestic law and European Union legislation in contract law, and to apply the notions learned. Students should have the learning skills to allow them to continue to study in a manner that may be largely self-directed or autonomous., in Phd Courses, Master Course of second level, etc.
ASSESSMENT METHODS	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude. The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialized language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue possible solutions. The interview consists of a minimum of three questions.</p> <p>The evaluation will take place 'in conformity' to the following evaluation grid:</p> <ul style="list-style-type: none"> - Excellent 30 -30 cum laude: good knowledge of the topics, excellent property of language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives - Very good 26-29: good knowledge of the topics, good property of language, good analytical capacity; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analyzed - Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analyzed - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed; - Insufficient outcome: the student does not possess an acceptable knowledge of the contents of the topics in the program nor a sufficient technical language.
EDUCATIONAL OBJECTIVES	<p>The course aims to provide students with a level of knowledge and methodological approach adequate to their qualifications as "european lawyer" within academic and professional contexts. Students will be provided with some theoretical tools and materials which are essential for the critical rethinking of the subject matter of this course. Special attention will be paid to leading cases and statements both of European Court of Justice and Italian Supreme Court. Students who complete this course should a) have command of the general principles of the law of contract — that is, the general rules in Civil Code, the statutory rules relating to specific contracts with particular reference to consumer contracts ; and (b) understand the practical, economic and social context in which those rules operate.</p> <p>The course is designed to satisfy certain requirements regarding the knowledge expected of applicants for admission to legal practice and is designed to contribute to the development of the following graduate attributes in particular:</p>

	(a) a knowledge and understanding of the basic principles of the primary areas of Italian contract law as required to satisfy the academic standards for admission to practice law; (b) the capacity to analyse, evaluate and synthesise information from a wide variety of sources and experiences; (c) an awareness of the incompleteness of law and the continuous state of development of legal principles; and (d) the development of critical thinking and problem solving skills.
TEACHING METHODS	Lectures throughout the semester, according to the provided unit (8 Unit Course)
SUGGESTED BIBLIOGRAPHY	R. ALESSI., La disciplina generale del contratto, Giappichelli, Torino, ultima edizione; cui si aggiunge Codice Civile, a cura di A.- Di Majo, Giuffre' editore, Milano - ultima edizione;

SYLLABUS

Hrs	Frontal teaching
11	Introductory notions to the subject matter of the contract. The sources. GENERAL DISCIPLINE AND SPECIAL RULES: THE DISCIPLINES OF EUROPEAN SOURCE
28	BASIC REQUIREMENTS (Agreement, Offer and Acceptance; Precontractual Liability and Information Duties; Defects of Consent; Cause; Formal Requirements). THE CONTRACTUAL REGULATION, INTERPRETATION AND ITS IMPLEMENTATION; THE ROLE OF GOOD FAITH
16	EFFECTS OF THE CONTRACT; CATEGORIES OF CONTRACTS. THE CONTROL OF THE ACT AND THE REGIME OF INVALIDITY OF THE CONTRACT
9	REMEDIES FOR NON PERFORMANCE AND SUPERVENING EVENTS IN THE LIFE OF CONTRACT. Private autonomy and limits to protect the interests of the contracting parties