

COURSE OF STUDY: LM-52– *International relations and European studies*

ACADEMIC YEAR 2023-2024

ACADEMIC SUBJECT : EUROPEAN PRIVATE LAW

General information	
Year of the course	I
Academic calendar (starting and ending date)	I semester (18 September 2023-7 december 2023)
Credits (CFU/ETCS):	8
SSD	IUS/ 01
Language	Italian
Mode of attendance	Not compulsory, but strongly recommended

Professor/ Lecturer	
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Telephone	Telephone
Department and address	Department of Political Sciences, Room n. 16, Floor I Adress, Corso Italia, n. 23
Virtual room	Platform Microsoft teams, Code ep7mp119
Office Hours (and modalities: e.g., by appointment, on line, etc.)	Tuesday, h. 10.00 (in the I semester; for the II semester see the teacher's web page) Or on platform Microsoft teams, send an email to arrange an appointment please Consult the web page: www.uniba.it/it/ricerca/dipartimenti/scienze-politiche/docenti

Work schedule			
Hours			
Total	Lectures	Hands-on (seminars)	Out-of-class study hours/ Self-study hours
200 hours	56	8	136
CFU/ETCS			
8	7	1	

Learning Objectives	The student will acquire an in-depth knowledge of European private law; he will be able to follow, even independently, the continuous updating of doctrine and jurisprudence on topical issues of European private law. The student will therefore be able to identify, analyze and propose solutions for emerging problems in the application area in the sector of European private law. Among the ways in which the expected capacities are verified, the following are worthy of note: analysis of cases, dealt with by national, international and European doctrine and jurisprudence; presentation of research and implementation of group projects.
Course prerequisites	The student must possess the fundamental notions of Private law (in particular, in the matter of obligations, contracts and civil liability). It is also necessary a deep knowledge of Italian Constitution of the Republic (in particular, in the matter of principles and fundamental rights and of rights and obligations of citizens).

Teaching strategie	<p>The method with which to deal with the study of the discipline, and which will be followed by the teacher during the lectures, implies, in addition to the analysis of the institutions of European private law, through the continuous consultation of the regulatory sources (first of all the civil code and the consumer code), also the ability to effectively understand them. This involves the development of a critical and systematic reasoning capacity around the topics dealt with, as well as the expository mastery of concepts.</p> <p>Lectures, supplementary seminars, including interdisciplinary ones, and exercises on “case studies”.</p>
Expected learning outcomes in terms of	<p>The student acquires the fundamental notions by attending teaching activities, organized in lectures, supplementary seminars, including interdisciplinary, and exercises on “case studies”.</p>
Knowledge and understanding on:	<p>The student is able to understand the complexity of the civil issues submitted to him and to interpret the main laws and legal institutions, on the basis of the knowledge acquired during the educational activities.</p>
Applying knowledge and understanding on:	<p>The student is able to apply the knowledge acquired, in the awareness of the need to redefine the notions and the classical categories of contract law in the current economic and social context, as indicates the European private law, to which we owe the progressive identification of a sector - that of contracts with consumers - with their own rules aimed at protecting the weak contractor; knows how to make the right connections systematic between the different institutions; properly uses theregulatory texts and jurisprudential experience.</p>
Soft skills	<ul style="list-style-type: none"> • <i>Making judgements:</i> the student is able to apply the knowledge acquired; knows how to make the appropriate systematic connections between the various institutes; he uses law texts appropriately, critically reads the works of scientific literature and is also able to deepen case-law. • <i>Communication:</i> the student is able to apply the knowledge acquired to solve even complex practical cases; to communicate effectively, that is to convey information and ideas in a clear and formally correct way, expressing them in adequate terms with respect to specialist or non-specialist interlocutors in the sector. • <i>Lifelong learning skills:</i> the student is able to apply the notions acquired to solve even complex practical cases; acquires in depth knowledge useful for entering to the labour market, as well as post-graduate study experiences (PhD, Master, Specialization). • <i>Working in groups:</i> students attending the seminars will be asked to coordinate with other people, including those of different cultures and professional specializations, integrating skills and forming a working group for the analysis and comment of cases and jurisprudential sources.
Syllabus	
Content knowledge	<p>The course intends to introduce the theoretical and practical study of European private law, with particular reference to consumer contracts, from directive no. 93/13 / EEC (unfair terms in contracts stipulated with consumers) under Legislative Decree 206/2005 (consumer code), offering a legal and economic view of the matter.</p> <ol style="list-style-type: none"> 1. Articles 1341, 1342 and 1370 c.c. 2. Directive n. 93/13/CEE and its implementation in Italy. 3. The subjective scope of application: the professional and the consumer.

	<p>4. The objective scope of application: the clauses not subject of negotiation; clauses that do not reproduce legal provisions.</p> <p>5. The unfair clauses; the principle of transparency.</p> <p>6. The nullity of protection; the lists.</p> <p>7. The injunction.</p> <p>8. Administrative protection.</p> <p>9. The class action</p>
Texts and readings	E. Minervini, Dei contratti del consumatore in generale, 3 ^a ed., Giappichelli Editore, Torino, latest edition
Notes, additional materials	Consultation of a civil code is highly recommended updated and accompanied by the main regulatory sources, as well as the consumer code (legislative decree 206/2005 and subsequent changes). The study of the program in-depth study and the continuous updating of some topical issues in European private law, through the study of sentences, comments to jurisprudence and essays, downloadable from the MATERIAL DIDACTIC present on the teacher's web page.
Repository	<i>Published on the teacher's web page, which integrate and update the Manual</i>

Assessment	
Assessment methods	<p>The candidate is required to show, in the oral exam, the systematic and analytical learning of the principles, rules and institutions of European private law. The final grade is attributed by evaluating, in addition to the complete preparation on content of the matter, even the actual capacity understanding of them, critical reasoning skills and systematic around the topics covered, as well as mastery expository of concepts.</p> <p>Oral exam only.</p>
Assessment criteria	<ul style="list-style-type: none"> • <i>Knowledge and understanding on:</i> students should have the ability to analyze and synthesize information, i.e. to acquire, organize and reformulate data and knowledge from different sources. Attending students will be invited, during the seminar and during the examination, to grasp and summarize the meaning of some judgments of jurisprudence, in turn an expression of synthesis between the description of the case in point of the judicial order and the reasons for the decision. • <i>Applying knowledge and understanding on:</i> students must have the ability to solve problems, that is to apply what they have learned to a concrete case, selecting the knowledge that allows them to solve it in the most appropriate way. Attending students will apply, in the analysis of legal problems and concrete cases agreed with the teacher, the method and argumentative techniques studied. • <i>Making judgements:</i> students must be able to formulate judgments independently, i.e. interpret information with a critical sense and make consequent decisions. Attending students will have to take a stand on the adequacy and reasonableness of the judicial orders examined. • <i>Communication skills:</i> students must be able to communicate effectively, to transmit information and ideas in a clear and formally correct way, expressing them in adequate terms with respect to specialist or non-specialist interlocutors in the sector. Attending students, during seminars and exercises, will be invited to speak with the teacher on the solutions adopted. • <i>Lifelong learning skills:</i> students must be able to recognize their own gaps and identify effective strategies aimed at acquiring new knowledge and skills.
Final exam and grading criteria	The final grade will be awarded through the assessment of the level of preparation demonstrated by the student during the exam in relation to the

	<p>themes and problems of European law, with particular regard to consumer contracts. Oral exam only.</p> <p>The verification method of the expected learning outcomes is the oral test, which consists of a minimum of three questions on the teaching programme. The vote shall be expressed out of thirty (from 18/30 to 30/30 with honors). If the candidate/candidate does not demonstrate the knowledge, at least sufficient, of basic subjects in the context of teaching, the examiner should not proceed with subsequent questions.</p> <p>The criteria for the evaluation of learning outcomes expressed in thirtieth are:</p> <p>Insufficient: 0-17 Lacking, inadequate knowledge of the topics contained in the program, use of a non-legal lexicon by candidates</p> <p>Sufficient: 18-20 Sufficient knowledge of the topics contained in the programme and overall adequacy of the legal lexicon used by the candidates</p> <p>Discreet: 21-23 Discrete knowledge of the topics contained in the program, discrete ability to argue and make connection between the various topics, through the use of an adequate legal lexicon by candidates</p> <p>Good: 24-26 Good knowledge of the topics contained in the program, good ability to deepen and critique, through the use of an adequate legal lexicon by candidates.</p> <p>Distinguished: 27-28 More than good knowledge of the topics contained in the program, more than good ability to deepen and argue on the links between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p>Very good: 29-30 Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p>Excellent: 30L Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise and excellent mastery of legal lexicon</p> <p>.</p>
<p>Further information Auxiliary teaching</p>	<p>President: Prof. Francesco Di Giovanni; Components: Proff. Mauro Pennasilico, Ferdinando Parente, Salvatore Giuseppe Simone, Valeria Corriero; dr. Adriano Buzzanca, Rocco Lombardi, Serena Persia, Tiziana Perillo e Loretta Moramarco.</p>
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