

PRIVATE LAW

(Prof.ssa Benedetta Sirgiovanni)

TEACHING STAFF RESPONSIBLE FOR THE COURSE:

Prof. Benedetta Sirgiovanni

PRE-REQUISITES FOR THE COURSE:

No prerequisites

LEARNING OBJECTIVES

The general goal of the course is to familiarize the students with the basic concepts of Italian private law within the European framework. The course is aimed at acquiring skills in interpreting and using private sources in order to solve elementary legal cases.

COURSE DESCRIPTION

The course will be focused on the natural persons, legal entities, property interests, obligation law, contract law and tort law, taking into account the direct influence of EU's legislation and the most recent developments in the progressive harmonization and unification process of European private law.

Topics include:

- The private law rule
- Legal rule's structure
- Interpretation of statute
- Legal situations
- Legal facts and acts
- Natural persons and legal entities
- Ownership and property interests
- Possession and usucaption
- Law of obligations: sources - structure - performance - default - liability.
- Law of contracts: enforceability of promises - notion of agreement - nominate and innominate contracts - requisites of the contract - contract formation: offer and acceptance - pre-contractual duty to inform - liability for breaking off negotiations – non-negotiated contracts - contract interpretation (construction) - - invalidity - termination – Unidroit Principles - Principles of European Contract Law (PECL).
- Law of torts: general provision of article 2043 c.c. - strict liability vs. negligence - causation - compensation - damages - joint and several liability - vicarious liability - environmental liability - products liability.
- Security
- Sale of goods - International sale of goods (CISG) – consumer selling
- Draft Common Frame of reference: the purposes of this academic text, the approach adopted to build a common private law.

TEACHING METHODS

The teacher will use slides during the lesson and shall give some legal cases. Students will be involved in the solution of legal cases using brainstorming techniques.

REFERENCE TEXTBOOK

G. IUDICA, P. ZATTI, *Language and Rules of Italian Private Law. An Introduction*, Edited by A.P. Scarso, Padua, 2013

OTHER LEARNING SOURCES

Civil code: Italian and English version

EXAM

Written exam