

# **ADMINISTRATIVE LAW**

Prof.ssa Chiara Feliziani

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/10

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

In compliance with the objectives of the IECOLS degree course, the Administrative Law course aims at representing an important chance for enriching students' informative assets concerning public administration and administrative law. The course, in fact, consists in an educational path designed for providing a comprehensive knowledge of Administrative Law. By a comparative approach, the course aims at improving the students' cultural background by giving them fundamental tools to understand rules governing public administrations in Italy and in the other European Countries as well as in the EU system. At the end of the course, therefore, students will have a comprehensive knowledge of Administrative Law that will be essential in the workplace.

## **prerequisiti:**

A good knowledge of Fundamental Rights is highly recommended.

## **programma del corso:**

The course aims at providing a comprehensive knowledge of Administrative Law. Moving from the notion of public administration, first of all the course will be devoted to analyse both the rise and the development of Administrative Law in Italy as well as in the other European Countries. Secondly, the course will be focused to the study of Administrative Law principles and the main rules governing the administrative action. Thirdly, the course will be dedicated to the analysis of the EU administrative system and its relationship with national administrations.

## **metodologie didattiche:**

Classes: frontal lectures and analysis of case studies.  
The organization of seminars with experts and working groups will be possible as well.

## **modalità di valutazione:**

Oral exam for both students that will attend classes and students that will not.  
The exam aims at evaluating the knowledge of principles and fundamental rules governing the administrative action in Italy and in other European countries as well as in the EU system.  
Moreover, for students that will attend the course mid term exams may be organized. The result of those exams will be taken into consideration in the determination of the final mark.

## **testi (A)dottati, (C)onsigliati:**

1. (A) P. Cane and a. (eds.), *The Oxford Handbook of Comparative Administrative Law*, OUP, 2020, 1 - 168
2. (A) P. Craig, *EU Administrative Law*, OUP, 2018, Part. I

## **altre risorse / materiali aggiuntivi:**

Extra materials (ad es: articles, papers, case law) could be recommended to students that will attend the course

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# COMPARATIVE CONTRACT LAW

Prof. Ermanno Calzolaio

**corso di laurea:** PDS0-2021    **classe:** L-14    **mutuazione:** classe LMG/01  
**ore complessive:** 40    **CFU:** 8    **SSD:** IUS/02

**Per Mutuazione da Comparative contract law (corso di laurea: M01-0/06, M01-0/22 classe: LMG/01 )  
lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The unit will approach the study of contract law in a comparative perspective in order to become familiar with the main topics of contract law in the civil law and the common law legal traditions. The interest of this kind of knowledge is related to the trans-nationalisation of trade and legal practice, which involves acting in a context of legal diversity. To this respect it is essential for the formation of an international jurist profile, in particular in the area of international commercial contracts. The expected formative results are: understanding the differences between contract law regimes in the civil law and common law traditions; acquiring the fundamental notions and the methodological tools in order to become familiar with the core topics of contract law from a comparative perspective.

## **prerequisiti:**

It is suggested to have previously attended and succeeded the unit on Private Law.

## **programma del corso:**

The course will cover the following topics:

- 1) Introduction
- 2) promise and contract (common law-civil law);
- 3) bases for enforcement ('cause' and consideration, with a specific focus on the topics of firm offers and of variation of contract)
- 4) the formation of contracts;
- 5) pre-contractual negotiations;
- 6) interpretation of contracts;
- 7) mistake;
- 8) breach of contract and remedies;
- 9) supervening events;
- 10) the international sale of goods (Vienna Convention).

## **metodologie didattiche:**

- lessons;
- study and discussions of cases

## **modalità di valutazione:**

The examination will be oral. Students will be asked to show their knowledge of the main contents of the topics covered during the unit. The exam will assess in particular four skills: knowledge of contents, critical approach, clarity, fluency in English, It will focus on the main topics covered during the unit, in order to ascertain both comprehension and ability to present the relevant arguments.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Ermanno Calzolaio, *Comparative Contract Law. An Introduction*, Routledge, 2022

## **altre risorse / materiali aggiuntivi:**

The students attending the lesson will be sent the complete syllabus, if not yet published in due time before the beginning of the course. The relevant materials and cases will be uploaded in the teacher's webpage.

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# COMPARATIVE LEGAL SYSTEMS

Prof.ssa Laura Vagni

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 45      **CFU:** 9      **SSD:** IUS/02

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English classes

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

By the end of the course the students will be asked to know the fundamental features and legal styles of the common law and civil law legal traditions as well as the historical evolution of the two traditions. The aim of the course is to introduce students to the complexity of legal phenomenon, that is universal and contextual at the same time, through the use of legal comparison. From this perspective, the expected result by the students is the understanding of the different meanings of common law (such as common law as Anglo-American legal tradition, common law as English law, common law as system of justice, common law as system of sources of law) and civil law (such as civil law as written law, as jus commune, as code law) and their dependence on the context.

The students will gain the legal competences to make macro-comparison in the western legal tradition and the prerequisite to make micro-comparison.

## **prerequisiti:**

The course has no specific prerequisites.

## **programma del corso:**

The course will cover the following subjects:

1. Comparative law (origins and methods).
2. The western legal tradition (general introduction).
3. Common law as a tradition of law.
4. The development of English law (history, common law and equity, rule of law).
5. English legal system (sources of law, judicial system).
6. Meanings of civil law and in particular civil law as code law.

Materials and texts will be suggested during classes.

## **metodologie didattiche:**

The lectures will be divided in six different sections, according to the subjects mentioned above (see programme of the course). Each section will be divided into two parts: in the first part of the section the issue will be introduced by the teacher, using a power point presentation. At the same time the teacher will suggest readings to students. In the second part of the section there will be a debate in class about the readings suggested, during which the students will be asked to comment and give their opinions about the readings, considering the issue investigated in class.

## **modalità di valutazione:**

The examination will be divided into two parts:

First part: will consist in a written test, including 5 multiple choice questions and 2 open-ended questions about the contents of the classes.

Second part: will consist in a dialogue with the student on the topics of the written test, asking to explain the written responses.

In the case of a non-attending student, the examination will consist in a 15 minutes dialogue with the teacher about three different topics concerning respectively the method of comparative law, the common law tradition and the civil law tradition.

The students will be asked to give their opinion on some legal questions about the course program, and to sustain their opinion with legal arguments.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Alisdair Gillespie, *The English Legal System (7th Edition)*, OUP, 2019, selected chapters: 1, 2, 3, 5, 6, 8, 9 and 10.
2. (A) John Henry Merryman and Rogelio Pérez-Perdomo, *The Civil Law Tradition, 4rd ed., An Introduction to the Legal Systems of Europe and Latin America*, Stanford University Press, 2019, 1-192 (all the chapters, except 16-17 and 18).

## **altre risorse / materiali aggiuntivi:**

Readings for attending students:

materials and readings for the final examination will be suggested during classes and uploaded on the web-page of the teacher.

Textbooks for non-attending students:

- A. Gillespie, *The English legal system*, 7th ed., OUP, 2019, pp. 1-366 (selected chapters: 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10).
- J.H. Merryman and R.Pérez-Perdomo, *The Civil Law Tradition*, 4rd ed., *An Introduction to the Legal Systems of Europe and Latin America*, Stanford University Press, 2019, pp. 1-192 (chapters 16-17 and 18 excluded).

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# CRIMINAL PROCEDURE AND NEW TECHNOLOGIES

Prof.ssa Claudia Cesari

**corso di laurea:** PDS0-2021    **classe:** L-14    **mutuazione:** classe LMG/01  
**ore complessive:** 40    **CFU:** 8    **SSD:** IUS/16

**Per Mutuazione da Criminal procedure and new technologies (corso di laurea: M01-0/06, M01-0/22 classe: LMG/01 )  
lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The course aims at giving students full knowledge and awareness about how technological tools are used in the field of criminal justice and how they affect procedural forms and basic safeguards and rights. At the end of the course the students are expected to know the main uses and opportunities of new technologies in criminal proceedings, their impact on acts, forms, results and basic safeguards, and the main legislative solutions that can be used to harmonize new technologies with the efficiency and efficacy of criminal proceedings.

## **prerequisiti:**

In order to attend successfully the lessons, it is suggested that students already have basic notions of Constitutional Law and/or Fundamental Rights. For the students enrolled in the 5-years program in Law ((laurea magistrale a ciclo unico in Giurisprudenza) it is also advisable to have at least attended the class of Criminal Procedure 1.

## **programma del corso:**

The course will develop the main issues of the impact of new technologies on criminal justice: personal freedom (electronic surveillance), forms of acts (instruments and tool to draft the records), investigations (interceptions, GPS monitoring), evidence (remote examination of witnesses, telematic hearings, digital evidence), decisions and judgement (artificial intelligence and decision making processes).

## **metodologie didattiche:**

Interactive lessons, use of audio-video materials, problem solving through practical cases analysis.

## **modalità di valutazione:**

The final exam, for students who attended the classes, will be both written and oral and it will be composed of: a structured intermediate test (multiple choice) on subjects developed during the lessons; a final oral test, where the students will answer one or two questions (open ended) about other subjects of the course. The final mark will be the result of the weighted average of the two marks.

For students who did not attend the classes, the final exam will be oral and the students will have to answer three questions (open ended) about subjects of the course.

Evaluation criteria are: completeness of information, critical awareness of problems, correct use of technical terminology, public speaking ability.

## **testi (A)dottati, (C)onsigliati:**

1. (A) L. Moriarty, *Criminal justice technology in 21st Century*, Ch.C. Thomas Publ. Ltd., 2017

## **altre risorse / materiali aggiuntivi:**

For students who attend classes, only materials used during lessons and made available or suggested by the teacher will be used to prepare the exam.

Students who do not attend classes can choose to study the book suggested above or, in alternative, the texts and materials specifically assigned, suggested and made available by the professor (in this case, a previous meeting with the professor must be asked in due time).

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# DATA PROTECTION, PRIVACY AND INTERNET LAW

Prof.ssa Chiara Bergonzini

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/08

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The course aims to provide proper European Data Protection law knowledge, starting from its background and terminology and paying particular attention to fundamental principles, subjects' rights, and rules.

Given the speed of development in the IT sector, a proactive approach by students will be encouraged: the course will develop their ability to independently identify and manage legal issues arising from modern challenges in personal data protection like Big Data, Internet of Things (IoT), and Artificial Intelligence (AI).

## **prerequisiti:**

Basic knowledge of Fundamental Rights and European Law could be useful.

## **programma del corso:**

The first part of the course will set out the evolution of Data Protection Law, paying particular attention to:

- Context and background of European Data Protection law;
- Data Protection terminology;
- Key principles of European Data Protection law;
- Rules of European Data Protection law;
- Independent supervision (EDPB);
- Data subjects' rights and their enforcement;
- Specific types of data and their relevant data protection rules.

In the second part, the course will be based on non-frontal didactics. It will be carried out through laboratories and teamwork, dedicated to the in-depth study of specific topics falling within the macro-theme Modern challenges in personal data protection, i.e., Big data, algorithms, and artificial intelligence, the webs 2.0 and 3.0: social networks and Internet of Things.

## **metodologie didattiche:**

Lectures will be limited to the minimum necessary and will alternate with "dialogical lessons" (about case law) during the first part of the course, which will continue with:

- Laboratories (teamwork)
- Exercises
- Seminar meetings with experts (if possible)

## **modalità di valutazione:**

For attending students, the exam will be an essay on a topic agreed upon with the professor.

For non-attending students, it will be an oral exam and the students will have to answer three questions about the subjects of the course.

In both cases, evaluation criteria will be the completeness of preparation (50%), clarity and correct use of technical terminology (20%), the ability to frame the subject (15%), the ability to independently identify legal issues arising from the evolution of the Internet (15%).

## **testi (A)dottati, (C)onsigliati:**

1. (A) European Union Agency for Fundamental Rights and Council of Europe, *Handbook on European data protection law*, European Union Agency for Fundamental Rights and Council of Europe, 2018, pp. 1-247; 325-370

## **altre risorse / materiali aggiuntivi:**

NB - THE HANDBOOK IS AVAILABLE (free download) in <https://fra.europa.eu/en/themes/data-protection> - Products. STUDENTS MUST DOWNLOAD THE LATEST EDITION PUBLISHED.

The indicated parts of the handbook contain the whole non-attendant students' program.

Other materials for attending students will be provided during the course.

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# ECONOMICS

Prof. Mattia Tassinari

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 45      **CFU:** 9      **SSD:** SECS-P/01

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The aim of the course is to provide the competencies to analyse and evaluate legal phenomena from an economic perspective, considering the connections between institutions and the organization of the economic activity. In the first part, the course provides the necessary concepts and logical categories to analyse the main macroeconomic facts, considering both the relationships between macroeconomic variables (such as aggregate supply and demand, employment and inflation), and the role of fiscal and monetary policies. In the second part, a microeconomic viewpoint is taken to consider the economic interactions existing within different market structures and the influence of the government therein. Emphasis is given to applications of economic theory to real-world examples drawn especially from the European and international context, adopting a comparative perspective. Conceptual and analytical rigour will be given priority over mathematical treatments.

## **prerequisiti:**

None

## **programma del corso:**

The program is the same for attending and non-attending students and covers the following topics, which are addressed consistently with the cognitive needs of the graduate in legal studies:

The basic concepts of economics

- Fundamental economic problems; forms of organization of economic systems; economic structure and production possibilities
- The market: definition, demand, supply, equilibrium

Macroeconomics

- Introductory concepts to macroeconomics; national accounts
- The aggregate supply and demand (AD-AS model); effects of monetary and fiscal policies in the short and long term
- Unemployment; Inflation
- Consumption and investment; the multiplier model
- The financial system and money; the Central Bank and stabilization policies

Microeconomics

- Production and business organization; analysis of costs
- Market structures: perfect competition, monopoly, oligopoly and monopolistic competition
- Microeconomic policies: regulatory policies, antitrust policies, industrial policies
- Case studies

## **metodologie didattiche:**

Teaching method is based on lectures held on the topics indicated in the program. Reading of scientific papers and specialized press, testimonies of economic operators, laboratories and group work could be arranged for attending students.

## **modalità di valutazione:**

Exam sessions: the exam is a written test on the entire study program with multiple choice questions and open questions. After the written test, if the student has achieved a sufficient grade, an oral test will be carried out on the entire study program. The mark of the written test, expressed out of thirty, is modified by the mark of the oral one (+/- 3 points).

Intermediate tests: for attending students it is possible to take 2 intermediate tests during the period of the lectures, with multiple choice questions and open questions on the topics indicated during the lectures. If successful in both intermediate tests, the exam is considered passed. In case of insufficient result in one of the two intermediate tests, the students attend the exam, on the entire study program indicated for attending students, at the Exam sessions, following the exam organization described above.

It is not possible to consult study material during the tests.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Paul A. Samuelson and William D. Nordhaus, *Economics*, McGraw Hill/Irwin, 2010, Chapters: 1, 2, 3; 6, 7, 8, 9, 10; 19, 20, 21, 22, 23, 24, 29, 30.

## **altre risorse / materiali aggiuntivi:**

For attending students: on the basis of the teaching needs that emerge during the lessons, some changes might be introduced for attending students with respect to the reference material for the exam, including the replacement of specific parts of the textbook adopted with relevant papers or readings, as well as exercises and group work. Any change to the exam material is communicated from lesson to lesson.

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# ENVIRONMENTAL LAW

Prof. Francesco De leonardis

**corso di laurea:** PDS0-2021      **classe:** L-14      **mutuazione:** classe LMG/01  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/10

**Per Mutuazione da Environmental law (corso di laurea: M01-0/22 classe: LMG/01 )**

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English,

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The course aims to develop the students knowledge and understanding on International, European and National environmental issues.

Students are expected to be able to understand and discuss environmental issues.

## **prerequisiti:**

Students are encouraged to attend the course only after acquiring basic knowledge in the field of Administrative Law, Fundamental Rights

## **programma del corso:**

The course will cover a range of general issues including:

- The Foundations and development of International, European and National environmental law
- Actors and Instruments of International, European and National environmental law
- Principles of of International, European and National environmental law
- Techniques of Regulating the Environment
- Administrative procedure

The course will cover also a range of specific issues including:

- climate change,
- Air pollution and Industrial emissions,
- water,
- soil,
- biodiversity, -
- waste,
- circular economy

## **metodologie didattiche:**

- Lectures and seminars.
- Seminars will focus on specific case law.

## **modalità di valutazione:**

First step: multiple-choice written examination;

Second step: oral examination

The students' assessment considers:

- a) the understanding and knowledge of the topics the module deals with (50%);
- b) the ability to apply their knowledge to concrete cases (35%);
- c) the ability to link different topics (15%).

## **testi (A)dottati, (C)onsigliati:**

1. (A) S. Kingston, Veerle Heyvaert, A. Cavoski, *European Environmental Law*, Cambridge University Press, 2017
2. (A) F. Fracchia, *Environmental law. Principles, denifitions and protection models*, Editoriale Scientifica, 2018

## **altre risorse / materiali aggiuntivi:**

non indicati

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# EU FOOD LAW

Prof.ssa Serena Mariani

**corso di laurea:** PDS0-2021      **classe:** L-14      **mutuazione:** classe LMG/01  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/03

**Per Mutuazione da Eu food law (corso di laurea: M01-0/06, M01-0/22 classe: LMG/01 )  
lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The course aims to provide students with an in-depth knowledge of the main content of Food Law in the European Union. Therefore, the course will deal with the core elements of the structure of the European Food Law.

Learning outcomes:

Upon completion of this course, students should be able to: comprehend basic concepts and rules of European food Law; understand specific regulations and their application concerning the most relevant topics; identify the legal issues raised by a problem question and apply their knowledge of the main principles and rules of European food law; critically read case law and other materials.

## **prerequisiti:**

European Union Law basic

## **programma del corso:**

- Introduction to EU Food Law;
- The sources of EU Food Law;
- The development of EU Food Law;
- The General Food Law: general principles and requirements;
- Food Hygiene;
- Food information: labelling and advertising (mandatory particulars, nutrition and health claims, quality schemes);
- Market access requirements;
- Food Law procedures, official controls, and food frauds.

## **metodologie didattiche:**

Classes will be a combination of lecturing, analysis and discussion of case studies and documents; seminars; group work and individual research carried out by students; documentary viewing and discussion. Flipped classrooms teaching methodology will be used.

## **modalità di valutazione:**

Attending students will be assessed based on their engagement and participation in the course's activities. At the final exam, they will orally discuss short research on a topic to be agreed upon with the teacher.

Non-attending students will have an oral exam consisting of three questions on three topics of the program.

The purpose will be to assess the level of knowledge and comprehension of the legal issues related to the course topics, the level of analysis and critical capacity, and the use of appropriate legal terminology.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Costato Luigi; Albisinni Ferdinando (editors), *European and Global Food Law*, Cedam, 2016, 1, 2, 9, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25 and 26

## **altre risorse / materiali aggiuntivi:**

--- Non-attending students have to study: Costato, Albisinni, "European and Global Food Law", chapters no. 1, 2, 9, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25 and 26.

--- Attending students have to study the educational materials distributed in class and/or uploaded on the webpage related to this course

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# EUROPEAN COMPANY LAW

*Prof. Alessio Bartolacelli*

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/04

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The module, that is part of the main teaching activities of the Jean Monnet Chair "Business Law in the European Union and Sustainable Economy", aims at providing students with a general knowledge of main principles and features of company law and a series of key elements in European Company Law.

Furthermore, the module will analyse the current policy and foreseeable trends of the European Union in the field of sustainability applied to Company and Financial Markets Law.

At the end of the module, students are expected to understand the basic elements of companies, the current trends in ECL, how basic ECL rules are implemented in different MSs, and to handle the legal instruments currently available to assure a company's sustainability, with a view to EU Law.

## **prerequisiti:**

Students are strongly encouraged to attend the module only after acquiring basic knowledge in the field of Private Law.

## **programma del corso:**

Part 1: General and European Company Law (valid for both 6 and 8 CFU/ECTS syllabus)

- Companies: key features
- Legal Basis for European Company Law;
- Harmonization in European Company Law, in particular, codified Directive (EU) 2017/1132;
- EUCJ Decisions Regarding Freedom of Establishment;
- Supranational Business Organization Forms (EEIG, SE, SCE; SPE and SUP Drafts).

Part 2: Sustainability in European Company and Financial Markets Law (only for 8 CFU/ECTS syllabus)

- Sustainability in general, theories on the purpose of a company;
- European policies on sustainability: EU Commission Action Plans on Company Law and Corporate Governance for sustainability (2012), on Green Action Plan for SMEs (2014), and on Sustainable Finance (2018);
- Non-Financial Reporting Directive;
- Models of social entrepreneurship;
- Multinational groups and CSR;
- Capital Markets Union, MiFID II Directive for SMEs, and crowdfunding.

## **metodologie didattiche:**

The teacher delivers lectures on the topics mentioned in this syllabus. The instructor could teach up to 4 hours via IT facilities, preferably in a synchronous way.

Flipped classroom teaching style is going to be massively used, in particular for topics included in Part I. Regarding some specific subjects, attending students shall be required to read short readings suggested by the instructor and eventually deliver a presentation to their colleagues, to engage in a fruitful debate on the most relevant topics the course deals with.

## **modalità di valutazione:**

Actively attending students will be assessed:

1. based on their involvement in the course's activities (quality and quantity; 40%), and a multiple-choice + 1 open-ended question test (60%) on Part I (both 6 and 8 CFU/ECTS students; for 6 CFU/ECTS students the examination ends with the multiple-choice test); and
2. on a short paper (3,000 words) on a subject assigned by the instructor on topics included in Part II (8 CFU/ECTS students only).

Non-actively attending students shall sit a multiple-choice + 1 open-ended question written examination on Part I; students taking at least 15/30 in the examination on Part I are admitted to the oral examination on all the readings included in Part 2. N.B.: 6 CFU/ECTS non-actively attending students shall sit for an oral examination on the entire Part I.

Assessment considers:

- a) understanding and knowledge of the abovementioned topics (50%)
- b) ability to apply knowledge to concrete cases (35%)
- c) ability to link different topics (15%)

## **testi (A)dottati, (C)onsigliati:**

### **altre risorse / materiali aggiuntivi:**

Part 1 (both 6 and 8 CFU/ECTS students):

Attending students:

- Students' personal notes from lectures and additional material provided by the module convenor,

- Andrea Vicari, *European Company Law*, De Gruyter, Berlin, 2021, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 11), and
- Nicola de Luca, *European Company Law*, Cambridge University Press, Cambridge, 2nd edition, 2021 (Pages 54-136)

Non-attending students:

- Readings made available by the module convenor in the course's website
- Andrea Vicari, *European Company Law*, De Gruyter, Berlin, 2021, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14)
- Nicola de Luca, *European Company Law*, Cambridge University Press, Cambridge, 2nd edition, 2021 (Pages 22-136)

Part 2 (JUST 8 CFU-ECTS students):

For BOTH attending AND non-attending students

- Beate Sjøfjell, Christopher M. Bruner (eds), *The Cambridge Handbook of Corporate Law, Corporate Governance and Sustainability*, Cambridge University Press, 2019, Chapters 1, 6, 14, 37, 43, 46, 47
- Janet Dine, *The abuse of Company Groups*, in Hanne S. Birkmose, Mette Neville & Karsten Engsig Sørensen (eds.), *Abuse of Companies*, Kluwer Law International, 2019, 35-58
- Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: *Building an economy that works for people: and action plan for social economy (COM(2021) 778 final)*, available online: <https://ec.europa.eu/info/law/better-regulation/>

Plus: European and international documents that the module convenor will make available.

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# EUROPEAN CRIMINAL LAW

Prof. Andrea Francesco Tripodi

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/17

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

Formative objectives:

Provide students with the necessary tools in order to understand Criminal Law in the perspective of the European Union Law and the Human Rights Law.

Expected learning outcomes:

- . Knowledge of the main principles of Criminal Law as expressed in the European Union Law and Human Rights Law.
- . Knowledge of the outcomes of European Union Law and Human Rights Law on the Italian Criminal system.
- . Ability to analyze the judgments of the European Court of Human Rights and of the Court of Justice of the European Union.

## **prerequisiti:**

Prerequisiti:

Knowledge of the principles of Constitutional Law with particular reference to the discipline of the relationship between sources of law.

## **programma del corso:**

- 1) Criminal Law in the International context: introductory profiles.
- 2) Main principles of Italian Criminal Law: sources and limits of the criminal provisions' applicability; structure of the offence.
- 3) The influence of European Union Law on the Member States' Criminal Law: European competence for adopting Criminal Law; interpretation and application of domestic substantive Criminal Law.
- 4) The influence of the European Convention on Human Rights on the Member States' Criminal Law: the notion of criminal matters; the main guarantees provided by the Convention for the purposes of Criminal Law.

## **metodologie didattiche:**

Theoretical lectures (with the support of slides) and discussions between the students and the professor.

## **modalità di valutazione:**

The exam aims to verify the level of knowledge and critical capacity achieved through the study of the subject.

Students regularly attending classes will be evaluated through a midterm written exam consisting in two open questions on subjects explained during the course until that moment and through a final written exam consisting in two more open questions on the remaining issues.

Students not regularly attending classes will be evaluated through a final written exam consisting in five open questions.

All the exams will be taken in English

## **testi (A)dottati, (C)onsigliati:**

1. (A) Helmut Satzger, *International and European Criminal Law*, C.H.Beck, Hart and Nomos, 2018, pages: 1-6; 45-123; 170-214.
2. (A) Astolfo Di Amato, *Criminal Law in Italy*, Kluwer Law International, 2020, pages:19-158

## **altre risorse / materiali aggiuntivi:**

In addition to the above-mentioned textbooks, students are required to study the most significant judgments of the European Court of Human Rights and of the European Court of Justice, that will be made available by the professor in the course's website.

Students regularly attending classes will not to be requested to study pages from 170 to 214 of the textbook "International and European Criminal Law". This part of the program will be covered during the lessons also through materials to be provided by the professor.

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# EUROPEAN UNION LAW

Prof. Gianluca Contaldi

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 45      **CFU:** 9      **SSD:** IUS/14

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The student will acquire knowledge of the fundamentals and main evolutionary stages of the EU legal system. The student should be able to conduct, with a high degree of autonomy, research on the sources of EU law, including the jurisprudence of the Court of Justice of the EU. The student should also be able to understand and evaluate the legal, but also political and economic, implications of choices made at all levels of the EU legal system, with particular reference to current developments. The student should develop the ability to communicate basic and advanced notions as well as problematic issues related to EU law.

## **prerequisiti:**

Knowledge of Constitutional Law.

## **programma del corso:**

The process of European integration: historical overview and perspectives. The EU, EU institutions and the legislative process. The EU legal system: general overview and analysis of legal sources. Judicial protection in the EU. EU competencies and external relations. EU policies, particularly the internal market and the functioning of economic and monetary policy.

## **metodologie didattiche:**

The course will be delivered in classes with a strong focus on cases decided by the Court of Justice of the EU and sometimes by national courts. Students will be invited to take part in discussion on issues treated in class and to give presentations on judgements of the Court of justice of the EU or other official documents of the EU Institutions. Use of multimedia: ppt presentations, audio-visual sources from official websites and the Internet.

## **modalità di valutazione:**

The exams will include oral tasks. Presentations made by students regularly attending the course will also be evaluated. In the oral test, students will be questioned on specific topic on institutional aspects of the European integration process or the functioning of the internal market. Addressing practical issues may also be a method of evaluation.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Foster, *On EU Law*, Oxford University Press, 2021, Capp. I-IX

## **altre risorse / materiali aggiuntivi:**

Further material (judgments of the Court of Justice, other official documents) recommended for the preparation of the exam will be made available during the classes.

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# FOUNDATIONS OF PRIVATE LAW

*Prof.ssa Arianna Alpini*

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 45      **CFU:** 9      **SSD:** IUS/01

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

Knowledge and Understanding

At the end of the course the student will be able to:

- . Illustrate the general principles and rules of the Italian private law
- . Describe the relevant issues related to European private law
- . Identify the main differences in civil and common law of contract, tort and property
- . Explain the impact that legal rules produce on the market and society

Applying Knowledge and understanding

- . Development of the ability to rework principles and rules of private law, and ability to apply such knowledge to specific cases.

Making judgements

- . Development of autonomous capability to identify the rationale and axiology behind each rule;

Communication skills

- . Development of the ability to effectively communicate and discuss (in English) topics of Italian private law.

Learning skills

- . Application of the hermeneutic criteria of reasonableness to the 'concrete case'.

## **prerequisiti:**

No

## **programma del corso:**

- . Sources of law and legal interpretation. Society and human behaviour. Law and legal system. Law and jurisprudence. Legal language. Norms. Rules and principles. Italian constitution, civil code, European law and international law. The principle of constitutional legality and hermeneutical criteria. The impact of constitutional principles on private law. The conflicts of norms (antinomies) and resolution criteria for antinomies.
- . Juridical facts/acts and effects. Subjective legal situation and the legal relationship. Natural persons. Legal capacity, capacity to act, natural capacity. Legal persons. Associations, foundations, committees.
- . Property rights. Ownership. Possession. Original acquisition of property and derivative acquisition of property. Limited real rights. Actions 'in rem'.
- . Obligations: contractual relationships and extra-contractual relationships. Obligation in general. Notion, structure and features. Relationship between debtor and creditor situation. Sources. Extra-contractual relationships (obligations). Legal promises. "Negotiorum gestio". Negotiations. Contractual relationships. Undue payment. Unjust enrichment. Natural obligations. Divisible and indivisible obligation. Presumption for joint and several liability. Fulfilment and various methods for extinguishing the obligation. Subjective and objective modifications of the obligation.
- . Contractual relationships (contractual obligations). Essential elements of the contract. Agreement, contracting parties, object, 'causa', form. Freedom of contract and limits. Preliminary agreement and its effects. Option and pre-emption. Consumer protection. Fulfilment and non-fulfilment of the contract. Regulation of interests and interpretation of the contract. Principles of proportionality, adequacy and reasonableness. Validity and effectiveness of the contract. Conditions, terms and termination of the contract. Invalidity of the contract. Simulated contract. 'Rescissione'.
- . Principles of civil liability. Pre-contractual liability (Negotiation). Contractual liability. Extra-contractual liability (Torts). Joint and several liability.
- . Family Law and Succession Law. The concept of marriage in the civil code. Unmarried couple, registered partnerships and same-sex couple. Divorce and separation. Constitutional principles and family relations. Filiation. Child protection. Effect of death. Succession "ab intestato" (intestate succession) and will. Inheritance and legacy. Persons who have a legal title to receive a share of the decedent's estate.

## **metodologie didattiche:**

- . Face to face lectures
- . Case studies that will be illustrated and discussed in class.
- . Guest speaker's talk (in class or on line)
- . Interactive class activities (i.e. on line forum) to discuss the most important topics.

The subject of the course is addressed through a cooperative dialogue between the teacher and the students. The class get started with the analysis of real-life cases selected from Italian, European and international law precedents.

## **modalità di valutazione:**

Oral exam.

Oral exam ensures an effective evaluation of student's ability to illustrate the general principles and rules applicable to the most important topics of the Italian private law in the European and international context. The exam will include a short case, aimed to assess student's ability to apply the current framework to protect the fundamental rights of the person.

**testi (A)dottati, (C)onsigliati:**

1. (A) G.R. Filograno, *Private Law. Notes on the Italian System*, Edizioni Scientifiche Italiane, 2021, Chapters 1-2-3-4-5-6
2. (A) Alpini A., *"The 'Equitable Dimension' of Constitutional Legality"*, *Annali SISDIC*, 2019, 73-91
3. (A) Perlingieri G., *'Reasonableness and Balancing in Recent Interpretation by the Italian Constitutional Court'*, *The Italian Law Journal*, 2018, 385-421

**altre risorse / materiali aggiuntivi:**

The program of the course is the same for attending and not-attending students.  
Teaching materials discussed in class will be available on line.

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# FUNDAMENTAL RIGHTS

Prof. Giacomo Menegus

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 45      **CFU:** 9      **SSD:** IUS/08

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The purpose of the course is to provide a comprehensive overview of the Italian constitutional system, focusing on interactions between the Italian legal system and those of the European Union and the Council of Europe.

In the first part of the course, students will be introduced to constitutional fundamentals, the Italian system of government, and sources of law (including European primary and secondary legislation).

In the second part of the course, particular attention will be paid to the Italian Constitutional Court's role and the degree of protection granted to fundamental rights by courts at different levels. The use of court cases in the lectures will make students deal with first-hand materials, facilitating them to acquire familiarity with vocabulary and valuable practice for their academic and professional careers.

## **prerequisiti:**

Basic knowledge of modern and contemporary history is strongly recommended. Students can attend the History of Western Legal Tradition course to gain such knowledge.

## **programma del corso:**

The course consists of two parts: the first is devoted to the fundamentals of Italian Constitutional law, the system of government, and the Italian sources of law, with references to European primary and secondary legislation.

The main topics are the following:

- The making of the Italian Constitution
- Popular Sovereignty and Separation of Powers
- Parliament
- Government
- President of the Republic
- Judicial System
- Italian Sources of Law
- European primary and secondary legislation

The second part aims to set the Italian constitutional system in the European legal area. A list of crucial court cases from the Italian Constitutional Court, the European Court of Human Rights, and the Court of Justice of the European Union is analysed to reconstruct the system of fundamental rights protection in the European context. Most of this second part of the course will be focused on cases and precedents to stimulate the discussion during the classes.

The main topics are the following:

- The Italian Constitution in the European Legal Area
- Italian Constitutional Court and Constitutional Adjudication
- Multilevel Protection of Fundamental Rights
- Selected case-law

## **metodologie didattiche:**

The first part of the course, which is more theoretical, consists of lectures.

The second part of the course has a more practical approach. Students will be involved actively in class discussions of the cases: small groups of discussion leaders will be selected for each class to present specific cases to their colleagues under the supervision of the Professor.

Renowned scholars may be invited as guest speakers.

## **modalità di valutazione:**

At the end of the first part of the course, students may submit a written test (open-ended questions) on a voluntary basis. The final exam will be oral.

In the case of attending the midterm exam, it will be counted as 50% of the final evaluation, and the final exam will count for the residual 50%. In case of not attending the midterm exam, the final exam will count as 100% of the final mark.

During the oral exam, the student will be required to show their knowledge of constitutional law and the ability to apply it to practical cases. The student is expected to analyse sources and theories independently and use the appropriate legal vocabulary, thus proving that they have acquired the study method.

The evaluation criteria are the following:

- knowledge and understanding of constitutional law and ability to apply them to concrete cases (65%);
- appropriate use of the legal vocabulary, ability to analyse and evaluate sources, and acquisition of the study method (35%).

## **testi (A)dottati, (C)onsigliati:**

1. (A) Cartabia, Lupo, *The Constitution of Italy. A Contextual Analysis*, Hart Publishing, 2020, Chapters 1-6 and 8-10
2. (C) Barsotti, Carrozza, Cartabia, Simoncini, *Italian Constitutional Justice in the Global Context*, Oxford University Press, 2016

## **altre risorse / materiali aggiuntivi:**

The second part of the course is mainly based on materials, scientific papers, and case notes provided on the course website and Teams.

Non-attending students' program consists of the following Chapters of the handbook (1-6 and 8-10) and the materials provided during the second part of the course.

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# GLOBAL GOVERNANCE AND POLITICAL INSTITUTIONS

Prof. Giuseppe Mecca

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 40      **CFU:** 8      **SSD:** SPS/03

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The aim of the course is to analyze the globalization from a conceptual, political, and historical point of view. The course will consider a diversified literature to provide students with a wide range of perspectives.

By the end of the course the student should be able to:

- analyse critically debates and issues relevant to the study of global governance and international institutions;
- engage in constructive discussion about contemporary and historical issues in global governance;
- produce analyses of legal and institutional phenomena and reflect on the relationships between institutions and society.

## **prerequisiti:**

A basic knowledge of the History of Western Legal Tradition and Fundamental Rights.

## **programma del corso:**

Global Governance is a very salient issue on the international agenda. The course will be focused on conceptual and historical issues. Who runs the world? How do international institutions and other actors contribute to the provision of governance? What are the historical events that have led us to the current world government?

In particular, the following topics will be addressed during the lessons:

- I. Globalization, Global Governance and Global Law
- II. The age of Imperialism and the Great War
- III. 20th century global governance: International Organizations (e.g. League of Nations; UN)
- IV. Bipolarism, Cold War and global implications
- V. Europe in the World I: From the Treaty of Rome to the fall of the Berlin Wall
- VI. Europe in the World II: From the 'Maastricht' Treaty to Brexit
- VII. Europe in front of Russia and China

## **metodologie didattiche:**

The course will combine lectures with seminar activities.

The lecture is based on frontal lessons, with the support of slides and other interactive methods. Students are supposed to participate actively to the course, with readings, comments, discussions.

Seminars include in-class assessed presentations and discussions of assigned readings, as well as hands-on work on primary sources (text analysis and contextualisation, critical assessment of information, etc).

## **modalità di valutazione:**

For attending students, the learning assessment method consists of:

- In-class presentation on assigned readings (30%)
- Final exam (70%)

Non-attending students will only take a final oral exam. The examination is composed of the oral presentation by the student in relation to the questions posed by the exam commission.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Sabino Cassese, *The Global Policy: Global Dimensions of Democracy and the Rule of Law*, Global Law Press/Editorial Derecho Global, 2012, (available at <http://es.globallawpress.org/wp-content/uploads/02-TheGlobalPolity.pdf>)
2. (A) Luuk van Middelaar, *The passage to Europe. How a continent became a Union*, Yale University Press, 2013, cap. 4, 5 and 6
3. (A) Mark Mazower, *Governing the World: The History of an Idea*, Penguin Books, 2013

## **altre risorse / materiali aggiuntivi:**

Attending students have to study texts n. 1 and 3.

Non-attending students have to study texts n. 1, 2 and 3.

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# HISTORY OF WESTERN LEGAL TRADITION

Prof. Luigi Lacchè

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 30      **CFU:** 6      **SSD:** IUS/19

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The aim of the course is to introduce students to the historicity and complexity of Western Legal Tradition. This tradition, based on European and non-European legal cultures within a framework characterized by interconnections and entanglements, will be studied with a focus on main principles and key-elements. The unit seeks to select some of the main legal phenomena providing the students with the information and skills needed to understand the historical roots of Western Legal Tradition. The course will try to extend the historical understanding of students as regards other legal systems, and developing in particular a critical overview of European legal traditions.

## **prerequisiti:**

It is suggestable to attend the examination of Roman Law.

## **programma del corso:**

The course will cover the following subjects:

- 1) Introduction. Why and how legal history can contribute to the training of the law student. The concept of historicity. Understanding different legal contexts
- 2) Customary Legal Orders
- 3) Ius Commune and Roman Law tradition
- 4) Canon Law
- 5) Common Law: British and American developments
- 6) Legal Humanism
- 7) Legal Reason
- 8) Codification processes

## **metodologie didattiche:**

The Professor will give lectures in order to present and explain the most important aspects of the course. Students will be provided by powerpoints so that they can follow and interact, giving their opinions about the issue investigated in class.

## **modalità di valutazione:**

For attending students the examination will consist in answering in English written questions (in 2 hours) at the end of the course. Written examination is the rule, oral form being optional. Written examination will be based on three open questions (themes) and six close questions on the topics treated in the Course for regularly attending students.

Students are asked to show their knowledge of the main contents of the lectures and the readings suggested.

For non attending students the examination will be oral.

The exam will evaluate in particular four profiles: knowledge of contents, critical approach, English level, clarity.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Tamar Herzog, *A Short History of European Law. The Last Two and a Half Millennia*, Harvard University Press, 2018

## **altre risorse / materiali aggiuntivi:**

Students attending lectures are required to study Tamar Herzog, *A Short History of European Law. The Last Two and a Half Millennia*, Cambridge, Harvard University Press, 2018, except for pages from 167 to 230; some materials will be suggested during classes.

Students not attending lectures are required to study Tamar Herzog, *A Short History of European Law. The Last Two and a Half Millennia*, Cambridge, Harvard University Press, 2018, whole text; L. Lacchè, *Granting citizenship following Caracalla? The French experience and the Code Napoléon?*, in *Journal of Constitutional History*, 27, I, 2014, pp. 179-198; L. Lacchè, *On the Italian Style: The Eclectic Canon and the Relationship of Theory to Practice as key-elements of Italian Legal Culture (19th-20th Centuries)*, in *Journal of Constitutional History*, 34, II, 2017, pp. 263-280

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# INTERNATIONAL LAW

Prof. Andrea Caligiuri

**corso di laurea:** PDS0-2021    **classe:** L-14    **mutuazione:** classe LMG/01  
**ore complessive:** 40    **CFU:** 8    **SSD:** IUS/13

**Per Mutuazione da International law (corso di laurea: M01-0/06, M01-0/22 classe: LMG/01 )  
lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English; French

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The aim of the course is to teach you the basic features of public international law and the international legal order and the meaning of public international law for legal practice. The course offers you a first approach with international legal documents in order to test your capacity to analyze and interpret the legal issues addressed by these texts.

## **prerequisiti:**

Nessuno

## **programma del corso:**

1. An Overview on the History of International Law
2. Statehood
3. Spatial Delimitation of State sovereignty
4. Legal Limits to the Exercise of State sovereignty
5. Non-state Subjects of International Law: Organizations and Groups
6. Non-state Subjects of International Law: Peoples
7. The Individual in International Legal System
8. General International Law
9. Introduction to the Law of the Treaties
10. Relationship between the Sources of International law
11. The Implementation of International Rules within National Systems
12. The Law of Responsibility
13. The Peaceful Settlement of Disputes
14. The Use of Economic Coercion
15. The Use of Force
16. Special Issues on "International Law and Cyberspace"

## **metodologie didattiche:**

Classes will mostly be held by the teacher. Working groups will be constituted in order to deliver presentations on select topics of international law during the course. Seminars may be organized on selected topics with the invitation of experts.

## **modalità di valutazione:**

Written exam. This exam will consist of three open questions . The purpose will be to assess the level of knowledge of the candidate and his/her ability to explain the topic which is the object of the question by using an appropriate legal terminology.

## **testi (A)dottati, (C)onsigliati:**

1. (A) Paola Gaeta, Jorge E. Viñuales, and Salvatore Zappalá, *Cassese's International Law, III Ed*, Oxford University Press, 2020
2. (C) AA.VV., *International Law and Cyberspace*, Ministero degli Affari esteri e della cooperazione internazionale, 2021

## **altre risorse / materiali aggiuntivi:**

12 CFU:

- Students regularly attending the Course will be expected to prepare for the exam on the basis of the notes taken during the classes and of the relevant materials indicated by the lecturer.
- Students not attending the Course will be expected to prepare for the exam on the textbook.

8 CFU (IECoLS students):

- Students regularly attending the Course (40 hours) will be expected to prepare for the exam on the basis of the notes taken during the classes and of the relevant materials indicated by the lecturer.
- Students not attending the Course will be expected to prepare for the exam on the textbook (except chapters 18, 19, 20 and 21).

Other students who need to take the examination for a reduced number of CFU than the regular program are asked to contact the lecturer to obtain a personalized study program.

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# LABOUR LAW

Prof. Gabriele Franza

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/07

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The course aims to provide students with a general overview of the so-called European social model, from its historical development to its place in the current economic and employment crisis. The analysis moves then to the principles of European labour law, recognized in the EU Charter of Fundamental Rights, as well as to the directives aimed at implementing those principles. Besides the knowledge of the evolution of European social policy, of the European principles of labour law and of individual legal institutions, students will have to acquire a method that allows them to understand the problems posed by the transposition of the various directives by the Member States, in dialogue with the case law of the EU Court of Justice.

## **prerequisiti:**

it is suggested to develop a prior knowledge of Constitutional Law and Fundamental Rights

## **programma del corso:**

Constitutional principles of Italian labour law  
International and European labour law  
European labour law and social dimension of the European Union  
Free movement of workers and freedom of services in the common market  
From free movement to labour and social law and policy  
The Single European Act and European social dialogue  
The Community Charter of the Fundamental Social Rights of Workers  
The Protocol and Agreement on Social Policy of the Maastricht Treaty  
European labour law and European social model  
The European Employment Strategy  
The open method of coordination and the Lisbon Strategy  
The European Social Charter and the Treaty of Nice  
The EU Charter of fundamental rights and EU competences  
The role of the European Court of Justice  
Equal treatment and anti-discrimination law  
Harmonisation and industrial relation context  
Restructuring of enterprises: collective redundancies and company or business transfer  
Working time, health and safety at work, EU standards  
Fair and just working conditions  
Protection in the event of unjustified dismissal  
Employment and labour market  
Part time work, fixed-term work and temporary agency work  
Collective labour law  
Information, consultation and participation  
Freedom of association  
Right of collective bargaining and action and posting directive

## **metodologie didattiche:**

Frontal lesson. The course will be as interactive as possible. Additional teaching materials (judgments of the EU Court of Justice and national courts, documents of the European Commission or other European bodies) will be provided to the students through the course's website. Students will be also requested to read recent EU Court of Justice decisions and to present them to their colleagues in specific classes.

## **modalità di valutazione:**

Assessment of attending and non-attending students' learning outcomes will take the form of open ended written tests, at the end of the course. The test will include questions dealing with the course topics, also to verify the understanding of problems posed by the transposition of directives in the Member States.

## **testi (A)dottati, (C)onsigliati:**

1. (C) F. Carinci, E. Menegatti, *Labour Law and Industrial Relations in Italy*, Wolter Kluwer Italia, 2015
2. (A) G. Casale, *Fundamentals of International Labour Law*, Giappichelli, 2020, 1-78
3. (A) T. Jaspers, F. Pennings, S. Peters, *European Labour Law*, Intersentia, 2019, 4-15; 45-495

## **altre risorse / materiali aggiuntivi:**

The adopted textbook is a basic text and is valid for attending and non-attending students. For the attending students jurisprudential and legislative material for the analysis of specific cases will be available

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## LEGAL THEORY

Prof. Carlo Sabbatini

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 45      **CFU:** 9      **SSD:** IUS/20

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

### obiettivi formativi / risultati di apprendimento attesi:

EDUCATIONAL OBJECTIVES: The course deals with content and methodologies both general and peculiar to the discipline, performing a task that is preparatory and auxiliary also for the study of positive law and specialized disciplines.

EXPECTED RESULTS: 1) Knowledge and understanding: acquisition of fundamental vocabulary, theoretical principles and historiographical notions. 2) Applying knowledge and comprehension: use of the knowledge in textual analysis (historical contextualization, identification of argumentative structures). 3) Making judgements: critical implementation of stages 1) and 2) through identification of problems and proposal of solving strategies. 4) Communication skills: correct use of the acquired vocabulary for an effective communication both in learning and transmission processes and in problem solving. 5) Learning skills: autonomy in further training both in the specific discipline and in the general study of law.

### prerequisiti:

No prerequisite required

### programma del corso:

Aim of the course is to provide the student with a general framework of Theory of Law, with particular attention to contemporary schools and perspectives.

This task will be performed in two stages:

STAGE 1: LEGAL THEORIES - will reconstruct the development of their core concepts;

STAGE 2: TOPICS - will analyse their approach and proposals to face cultural, economic and political issues emerging from the growing social complexity.

#### STAGE 1: LEGAL THEORIES

1. Natural Law Theory
2. Legal Positivism
3. American and Scandinavian Legal Realism
4. Law and Society
5. Law and Economics
6. Historical and Anthropological Jurisprudence
7. Critical Legal Studies and Postmodernism
8. Feminist Jurisprudence and Critical Race Theory

#### STAGE 2: TOPICS

9. Law and Morality
10. The Duty to Obey the Law
11. Theories of Justice
12. Criminal Law Theories
13. Theories of Rights

### metodologie didattiche:

1. Teaching approach: a) Theoretical; b) Historical
2. Type of lessons: a) Lecture; b) Intervention of external experts
3. Educational tools: Slides

### modalità di valutazione:

1. Type of exam: Oral (3 questions about the program)
2. Language: English
3. Assessment criteria: a) Knowledge of the course syllabus (Total weight in grade evaluation: 40%); b) Reasoning skills: applying knowledge and making judgments (40%); c) Linguistic skills (20%).

### testi (A)dottati, (C)onsigliati:

1. (A) Wacks, Raymond, *Understanding Jurisprudence. An Introduction to Legal Theory - Sixth Edition*, Oxford University Press, 2020

### altre risorse / materiali aggiuntivi:

PROGRAMS for ATTENDING and for NON-ATTENDING STUDENTS

ATTENDING STUDENTS (9CFU): 1. Class notes, slides and didactic materials distributed during the lessons and published on the web page of the course; 2. R. Wacks, *Understanding Jurisprudence. An Introduction to Legal Theory - Sixth Edition*, Oxford University Press, Oxford 2020 (selected chapters, to be communicated to students during the course).

NON-ATTENDING STUDENTS: (9CFU): R. Wacks, *Understanding Jurisprudence. An Introduction to Legal Theory - Sixth Edition*,

Oxford University Press, Oxford 2020 (whole book).

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# MARITIME LAW EVOLVING

Prof.ssa Giorgia Vulpiani

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 40      **CFU:** 8      **SSD:** IUS/06

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The objective of the course is to introduce students to the complexity of legal system regarding Maritime Law. Classes will be focused on the most important topics of maritime law. The course will cover traditional subjects and examines in depth issues of maritime law and practice from a modern perspective through artificial intelligence and the use of the new technologies.

## **prerequisiti:**

None

## **programma del corso:**

The course is focused on the following topics:

- Principles of Eu maritime law;
- Shipbuilding, Sale, Finance and Registration;
- Charterparties;
- Cargo claims and Bills of Lading;
- Carriage of passengers;
- The protection of sea passengers;
- The liabilities of the vessel;
- Safety and compliance;
- Marine pollution from shipping activities;
- Carriage of dangerous goods
- The application of the EU Competition rules to the marine sector

## **metodologie didattiche:**

Face to face lessons and seminars in order to encourage students interactions.

The course will be implemented by the study of jurisprudential cases.

Specific materials and texts on particular topics will be suggested during classes.

## **modalità di valutazione:**

The final exam will be oral and will focus on the whole program.

The exam is aimed at verifying:

- the depth of knowledge gained;
- the property of legal and technical language;
- the critical and methodological skills acquired.

## **testi (A)dottati, (C)onsigliati:**

1. (A) M. Colangelo - Z. Zeno - Zencovich, *Introduction to European Union Transport Law*, Roma Tre press, 2019, 1-27; 125-133; 176-183; 186-188; 438-443
2. (A) F. Pellegrino - G. Sindoni, *Carriage of dangerous goods by sea: legal aspects*, Giuffrè, 2019, 3-252

## **altre risorse / materiali aggiuntivi:**

Slides and others materials will be provided during the course.

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# ROMAN LAW

Prof. Pierangelo Buongiorno

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 30      **CFU:** 6      **SSD:** IUS/18

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
English

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
English

## **obiettivi formativi / risultati di apprendimento attesi:**

The study of ancient sources concerning the Roman legal experience, with main regard to private law, will lead the student to the knowledge of the rudiments of the historical experience of law and to the understanding of the key profiles of the private legal system. Students will be guided to an awareness of the origins of legal institutes of the Romanistic tradition through the analysis of the context in which they developed. Comparative insights into contemporary legal experience will also be provided. It is also aimed at encouraging the acquisition, by the aspiring jurist, of the applicative profiles of the subject.

## **prerequisiti:**

There are no prerequisites. A basic knowledge of the rudiments of ancient Roman history is useful for attending the course. This knowledge will be reviewed in the first lessons of the course.

## **programma del corso:**

After a historical introduction, the course will be devoted to the examination of the foundations of private law in the Roman legal experience, from the archaic age to the post-classical and Justinian age. The following themes will be analysed: I. Roman Law and Its Intellectual Context. - II. Law Making. - III. The Evidence of Roman Law. - IV. Private Law in Roman Society. - V. Elements of Public Law. - VI. The Legacy of Roman Law.

## **metodologie didattiche:**

- Frontal teaching activities of a historical-theoretical nature.
- Supporting teaching activities, in seminar form, also with the participation of guest scholars from Italy and abroad.
- These activities will enable students to gain a more in-depth understanding of topics relating to political institutions and private law and to develop their knowledge and understanding, learning, independent judgement, application and communication skills.

## **modalità di valutazione:**

The examination is oral and consists of various levels of testing: knowledge and understanding and the ability to apply them; independent judgement; learning ability; communication skills. The minimum pass mark for the examination (18/30) requires the student to achieve a sufficiency in all the levels of assessment indicated. The maximum pass mark (30/30 with possible award of honors) will apply in the event of excellence at all the levels considered. The intermediate marks between the minimum and maximum will be graded according to the assessment for each of the levels considered.

## **testi (A)dottati, (C)onsigliati:**

1. (A) D. Johnston, *The Cambridge Companion to Roman Law*, Cambridge UP, 2015, chapters 2, 3, 6, 8, 9-18, 21

## **altre risorse / materiali aggiuntivi:**

non indicati

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# TRANSNATIONAL CIVIL LITIGATION AND ARBITRATION LAW MOD. 1

Prof. Francesco Fradeani

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 20      **CFU:** 4      **SSD:** IUS/15

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
Inglese

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
Inglese

## **obiettivi formativi / risultati di apprendimento attesi:**

The course aims to let students acquire familiarity with the methods developed in both theory and practice of the international litigation, especially in the context of commercial disputes. In particular, at the end of the lessons, students will be able to face all the pitfalls of an arbitration dispute, but even beforehand to prepare an arbitration agreement, recognize the difference between a national and an international arbitration, distinguish arbitration from other forms of ADR, operate in the whole sector of the transnational protection of rights in civil and commercial matters.

## **prerequisiti:**

Even though there are no formal prerequisites for attending the course, some background knowledge of private law would be appropriate.

## **programma del corso:**

The course will deal with the general principles of civil procedural law and transnational litigation, with particular attention to international arbitration. The lessons will cover the following topics:

1) Principles of transnational civil procedure: independence and impartiality of the court; jurisdiction and competence; procedural equality of the parties; right to engage a lawyer; due notice and right to be heard; languages; prompt rendition of justice; provisional and protective measures; structure of the proceedings; party initiative and scope of the proceeding; obligations of the parties and lawyers; multiple claims and parties intervention; court responsibility for direction of the proceeding; dismissal and default judgment; access to information and evidence; sanctions; burden and standard of proof; responsibility for determinations of fact and law; decision and reasoned explanation; settlement; costs; immediate enforceability of judgments; appeal; *lis pendens* and *res judicata*; recognition and effective enforcement; international judicial cooperation.

2) International arbitration: the difference between arbitration and other methods of dispute resolution; types of international arbitration; the New York convention and other important conventions; national arbitration laws; major institutional arbitration rules; internationally accepted rules and guidelines; the arbitration agreement; the legal effect of agreeing to arbitration; jurisdiction and arbitrator's powers; arbitrability; drafting arbitration clauses; essential matters to include in an arbitration clause; optional matters to include in an arbitration clause; pathological arbitration agreements; model arbitration clauses; commencing an arbitration dispute; jurisdictional challenges; urgent interlocutory relief; criteria required from arbitrators; number of arbitrators; frustration, delay and default; confirmation of appointment and constitution of the tribunal; establishing procedure timetable and conduct of the arbitration; agreeing the procedural timetable; interlocutory applications and provisional measures; default and summary procedures; evidence; the hearing; costs; the award; enforcing the award.

## **metodologie didattiche:**

The course will consist of both theoretical lessons and classroom exercises. In this context, special attention will be paid to the discussion of cases and to the drafting of procedural documents and arbitration clauses.

## **modalità di valutazione:**

The exams will take place in both written and oral form. Students regularly attending the course will have the opportunity of sitting for an intermediate written proof. Students having passed the said proof shall sit for the final exam only on the issues treated in the course after the intermediate proof. Written proofs held in presence will be based on open questions (essays) on the topics treated in the course (for students regularly attending the course) or included in the course syllabus (for students not attending the course). The oral proof, which presupposes the passing of the written proof, may imply further questions on the topics dealt with in the course (for students having regularly attended) or contemplated in the course syllabus (for those not attending).

## **testi (A)dottati, (C)onsigliati:**

1. (C) Stuart Dutson - Andy Moody - Neil Newing, *International Arbitration, A Practical Guide*, Global Law and Business, 2019
2. (C) American Law Institute and UNIDROIT, *Principles of Transnational Civil Procedure*, Cambridge University Press, 2007

## **altre risorse / materiali aggiuntivi:**

Students regularly attending the course will be expected to study for the exam on the basis of the notes taken during the course and of the relevant materials posted by the lecturer on the webpage of the course. Students not attending the course will be expected to study on the textbooks specified above or on other textbook dealing with the same issues.

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# TRANSNATIONAL CIVIL LITIGATION AND ARBITRATION LAW MOD. 2

Prof. Romolo Donzelli

**corso di laurea:** PDS0-2021      **classe:** L-14  
**ore complessive:** 20      **CFU:** 4      **SSD:** IUS/15

**lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**  
Inglese

**lingue, oltre all'italiano, che si intende utilizzare per la valutazione:**  
Inglese

## **obiettivi formativi / risultati di apprendimento attesi:**

The course aims to let students acquire familiarity with the methods developed in both theory and practice of the international litigation, especially in the context of commercial disputes. In particular, at the end of the lessons, students will be able to face all the pitfalls of an arbitration dispute, but even beforehand to prepare an arbitration agreement, recognize the difference between a national and an international arbitration, distinguish arbitration from other forms of ADR, operate in the whole sector of the transnational protection of rights in civil and commercial matters.

## **prerequisiti:**

Even though there are no formal prerequisites for attending the course, some background knowledge of private law would be appropriate.

## **programma del corso:**

The course will deal with the general principles of civil procedural law and transnational litigation, with particular attention to international arbitration. The lessons will cover the following topics:

1) Principles of transnational civil procedure: independence and impartiality of the court; jurisdiction and competence; procedural equality of the parties; right to engage a lawyer; due notice and right to be heard; languages; prompt rendition of justice; provisional and protective measures; structure of the proceedings; party initiative and scope of the proceeding; obligations of the parties and lawyers; multiple claims and parties intervention; court responsibility for direction of the proceeding; dismissal and default judgment; access to information and evidence; sanctions; burden and standard of proof; responsibility for determinations of fact and law; decision and reasoned explanation; settlement; costs; immediate enforceability of judgments; appeal; *lis pendens* and *res judicata*; recognition and effective enforcement; international judicial cooperation.

2) International arbitration: the difference between arbitration and other methods of dispute resolution; types of international arbitration; the New York convention and other important conventions; national arbitration laws; major institutional arbitration rules; internationally accepted rules and guidelines; the arbitration agreement; the legal effect of agreeing to arbitration; jurisdiction and arbitrator's powers; arbitrability; drafting arbitration clauses; essential matters to include in an arbitration clause; optional matters to include in an arbitration clause; pathological arbitration agreements; model arbitration clauses; commencing an arbitration dispute; jurisdictional challenges; urgent interlocutory relief; criteria required from arbitrators; number of arbitrators; frustration, delay and default; confirmation of appointment and constitution of the tribunal; establishing procedure timetable and conduct of the arbitration; agreeing the procedural timetable; interlocutory applications and provisional measures; default and summary procedures; evidence; the hearing; costs; the award; enforcing the award.

## **metodologie didattiche:**

The course will consist of both theoretical lessons and classroom exercises. In this context, special attention will be paid to the discussion of cases and to the drafting of procedural documents and arbitration clauses.

## **modalità di valutazione:**

The exams will take place in both written and oral form. Students regularly attending the course will have the opportunity of sitting for an intermediate written proof. Students having passed the said proof shall sit for the final exam only on the issues treated in the course after the intermediate proof. Written proofs held in presence will be based on open questions (essays) on the topics treated in the course (for students regularly attending the course) or included in the course syllabus (for students not attending the course). The oral proof, which presupposes the passing of the written proof, may imply further questions on the topics dealt with in the course (for students having regularly attended) or contemplated in the course syllabus (for those not attending).

## **testi (A)dottati, (C)onsigliati:**

1. (C) Stuart Dutson - Andy Moody - Neil Newing, *International Arbitration, A Practical Guide*, Global Law and Business, 2019
2. (C) American Law Institute and UNIDROIT, *Principles of Transnational Civil Procedure*, Cambridge University Press, 2007

## **altre risorse / materiali aggiuntivi:**

Students regularly attending the course will be expected to study for the exam on the basis of the notes taken during the course and of the relevant materials posted by the lecturer on the webpage of the course. Students not attending the course will be expected to study on the textbooks specified above or on other textbook dealing with the same issues.

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