

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 Constitutional Law 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 analyze 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. Craig, *EU Administrative Law*, Oxford University Press, 2018, 1 - 944
2. (A) P. Cane and others, *The Oxford Handbook of Comparative Administrative Law*, Oxford University Press, 2020, 1 - 168

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 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 course aims at offering the fundamental notions and methodological tools for the formation of an international jurist profile, in particular if interested in the area of international commercial contracts.

prerequisiti:

It is suggested to attend and succeed the units 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 topic 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).

Materials and texts will be suggested during the lectures and available at the teacher's webpage. The teacher is preparing a textbook for students. If it will be published in due time, references will be given through the personal university webpage. In alternative, for students not attending the lessons see the textbook suggested.

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) H. Kotz, *European Contract Law*, Oxford University Press, 2017

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

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

obiettivi formativi / risultati di apprendimento attesi:

The aim of the classes, considering the goals of the course in International, European and Comparative Legal Studies, is to introduce students to the complexity of legal phenomenon through the use of legal comparison.

By the end of the course the students will know the fundamental principles and legal styles of the common law and the civil law legal traditions, and the historical evolution of the two traditions.

The attended result by the students is the understanding of the different meanings of common law (for example, 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 of civil law (for example, civil law as written law, civil law as jus commune, civil law as code law).

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

prerequisiti:

There are not prerequisites.

programma del corso:

The classes are divided in ten different units, covering the following subjects:

1. Law, history, and comparison (introduction and methodology);
2. The theory of legal systems.
3. The medieval common law.
4. The rule of law.
5. Common law as a model of justice - the legal professions.
6. Common law as a model of justice - the English system of the courts.
7. The sources of English law and the doctrine of binding precedent.
8. Brexit and beyond.
9. Meanings of civil law.
10. Civil law as a code law: comparative remarks.

Materials and texts will be suggested during classes.

metodologie didattiche:

The lectures will be divided in ten different units, according to the subjects mentioned above (see programme of the course). Each Unit will be divided into

two parts: in the first part the teacher will explain the contents of the Unit, using a power point presentation. At the same time, the teacher will suggest readings to students. In the second part of the Unit there will be a debate in class

about the readings suggested by the teacher. At the end of the debate the teacher will focus the attention on the essential knowledge of the Unit and the key questions of the Unit.

The teacher will give students the opportunity to take tests in order to assess their understanding of a particular subject matter. Students are not obliged to take the tests.

modalità di valutazione:

Attending students:

The examination will consist in a 15 minutes dialogue with the teacher about two different units of the course. Students will be asked to show their knowledge of the contents of the lectures and the readings suggested.

In the case a student successfully took the tests proposed by the teacher, the teacher will consider the tests for the final evaluation.

Non-attending students:

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.

All 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, 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, chapters 16-17-18 excluded.

altre risorse / materiali aggiuntivi:

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

Program for non-attending students: selected chapters of the textbooks suggested

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CONFLICT OF LAWS

Prof. Fabrizio Marongiu buonaiuti

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

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:

Transnational legal relationships, ever more frequent in nowadays' world, raise conflict of laws issues. The course will deal with those issues, namely with the allocation of jurisdiction, the choice of the applicable law, and the recognition and enforcement of foreign judgments, in light of the extensive body of EU legal acts adopted in the field, as well as of the main international conventions and national legislation on private international law.

The course aims to let students acquire familiarity with the methods developed in both theory and practice of the conflict of laws. Special attention will be devoted in the course to the impact of EU legislation in matters of private international law, and to the vital role of judgments delivered by the Court of Justice of the European Union concerning its interpretation, in order to let students develop an ability to apply the relevant legal rules to the circumstances of individual cases.

prerequisiti:

Even though there are no formal prerequisites for attending the course, some background knowledge of private law as well as of European Union law would be appropriate, in consideration of the importance of EU legislation in respect of the subject. As concerns students not enrolled in the IECOLS programme, a sufficient command of English is an implied prerequisite.

programma del corso:

The course deals with the following topics:

1. The conflict of laws problem: the plurality, and diversity, of national legal systems in an ever more interconnected society.
 - 1.1. The main methods for solving the conflict of laws problem: uniform law vs. private international law methods.
 - 1.2. The coexistence of different levels of regulation of the conflict of laws problem: national conflict of laws rules, private international law conventions and legal acts adopted within the framework of Regional Economic Integration Organizations: the EU case.
 - 1.3. The main legal issues to be dealt with from a conflict of laws perspective: the allocation of jurisdiction, the choice of the applicable law and the recognition and enforcement of foreign judgments: inter-relationships between these apparently separate legal issues.
2. The allocation of jurisdiction: an overview of the relevant rules.
 - 2.1. The EU rules on jurisdiction in civil and commercial matters: the Brussels Ia Regulation;
 - 2.2. The EU rules on jurisdiction in matrimonial matters and in matters of parental responsibility: the Brussels IIa Regulation and its amendment by its recent recast of 2019;
 - 2.3. The EU rules on jurisdiction in other matters (maintenance, succession, matrimonial property, property consequences of registered partnerships);
 - 2.4. The scope left for jurisdiction rules contained in international conventions or domestic legislation.
3. The choice of the applicable law: an overview of the so-called general issues of private international law: characterization; renvoi; preliminary questions; overridingly mandatory rules; public policy.
 - 3.1. The EU rules on the law applicable to contractual obligations: the Rome I Regulation.
 - 3.2. The EU rules on the law applicable to non-contractual obligations: the Rome II Regulation.
 - 3.3. The EU rules on the law applicable to divorce and personal separation: the Rome III Regulation as a first example of an enhanced cooperation within the EU.
 - 3.4. The EU choice of law rules on other matters, including references to relevant international conventions and protocols, and the subsidiary role of domestic choice of law rules.
4. The recognition and enforcement of foreign judgments: an overview of the relevant rules.
 - 4.1. The recognition and enforcement of foreign judgments within the EU in civil and commercial matters: the Brussels Ia Regulation, and the special rules concerning the European Enforcement Order, the European Order of Payment and the European Small Claims Procedure.
 - 4.2. The recognition and enforcement of foreign judgments within the EU in matrimonial matters and in matters of parental responsibility: the Brussels IIa Regulation and its recent recast of 2019.
 - 4.3. The recognition and enforcement of foreign judgments pursuant to other EU instruments (maintenance, succession, matrimonial property, property consequences of registered partnerships).
 - 4.4. The recognition and enforcement of foreign judgments in matters not regulated by EU instruments and of third-country courts' judgments: the role of international conventions and domestic rules.
5. The recognition of personal and family status created abroad other than by a foreign judgment: recognition of foreign public documents and of legal situations as such, between transnational continuity of personal and family relationships and preservation of the fundamental principles of the domestic legal system.

metodologie didattiche:

The course will be delivered in classes (lezioni frontali). These will be supplemented by case studies (esercitazioni), based on cases decided mostly by the Court of Justice of the European Union, the European Court of Human Rights, or national courts, which will be posted on the webpage of the course. Special attention will be devoted to the discussion of cases, in order to allow students develop an ability to discuss competently in English issues related to the main topics forming the subject of the course, acquiring a good command of the relevant legal terminology as well as a deep understanding of the legal problems inherent in the field of the conflict of laws.

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 (themes) 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). In case exams are held online, written proofs will be based on multiple-choice questions. 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. (A) Gilles Cuniberti, *Conflict of Laws: A Comparative Approach*, Edward Elgar Publishing, 2017, Parts I-VI (entire book)

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 (international conventions, EU and national legislation, case law and legal literature) posted by the lecturer on the webpage of the course. Students not attending the course will be expected to study on the textbook specified above, having care to consult the relevant international conventions and EU legislation, as cited in the textbook. For this purpose, they may avail themselves of the materials posted on the webpage by the course.

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CONSTITUTIONAL LAW

Prof.ssa Angela giuseppina Cossiri

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:

In the first part of the course (3 CFU) students will be introduced to the constitutional systems and to the main principles of constitutionalism in the EU and global context.

The second part of the course (6 CFU) introduces to the constitutional justice system. We will utilize a case law approach. In addition to learning about constitutional law in general, this approach is designed to expose students to judicial cases and current issues of constitutional law relevance.

At the end of the course, students will:

- 1) have the knowledge of the main principles of constitutional systems and justice;
- 2) understand the basic elements of constitutionalism and the legal analysis employed in the case law.

prerequisiti:

Students are strongly recommended to acquire basic knowledge of modern and contemporary history. For the second part, it is recommended to have a basic knowledge of constitutional system.

programma del corso:

The first part of the course (3 CFU) consists in an introduction to Constitutional law.

The second part of the course (6 CFU) consists of the following main themes:

- Judicial review of legislation: different models
- Organization and functions of Constitutional Court
- Current issues of Constitutional Law relevance
- Current constitutional case law.

The whole program is for students who want to complete 9 credits.

metodologie didattiche:

The teacher shall deliver lectures on the issues mentioned. A part of the lectures could be held via IT facilities.

There will be massive use of flipped classrooms teaching style, in particular with reference to the topics included in Part II.

Regarding some specific subjects, attending students shall be required to read a few short readings suggested by the teacher, and to deliver a presentation to the colleagues, provoking this way an exchange of views and a debate on the most relevant topics the course deals with.

modalità di valutazione:

Actively attending students will be assessed:

1. on the basis of their involvement in the course's activities (quality and quantity); and
2. on a short paper to be written on a subject agreed with the module convenor (part 1 and part 2).

Non-actively attending students shall sit an written examination on Part 1 and Part 2.

The evaluation considers:

- a) the knowledge of the issues linked to each topic and the ability to draw the possible forthcoming fallout (50%);
- b) the ability of understanding of the topics the module deals with (50%).

testi (A)dottati, (C)onsigliati:

1. (A) Barsotti, Carrozza, Cartabia, Simoncini, *Italian Constitutional Justice in Global Context*, Oxford University Press, 2016
2. (A) Holmes and Sustain, *The costs of rights*, Norton and co., 2013

altre risorse / materiali aggiuntivi:

Readings for the course will be available on the course website in unimc.it

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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 classe: LMG/01)
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 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 right and Criminal right. 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 structure intermediate test (multiple choice) on a subjects developed during the lessons; a final oral test, where the students will answer one or two questions 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 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 given 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 given 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 knowledge of the European Data Protection law, paying particular attention to its background, terminology, fundamental principles, and rules. Independent supervisions and data subjects' rights will be examined as well as the specific types of data (i.e., sensitive data) and relevant data protection 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 Public Law 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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EU FOOD LAW

Prof.ssa Pamela Lattanzi

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 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 aim of the course is 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:

On completion of this course, students should be able to: comprehend basic concepts and rules of European food Law; understand specific rules 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 General Food Law: general principles and requirements;
- Product-Focused Provisions: food safety targets, food marketing standards; pre-market authorisations schemes;
- Process-Focused Provisions: hygiene and traceability;
- Food information: labelling and advertising (mandatory particulars, nutrition and health claims, quality schemes);
- Incident management and official controls.

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

Non attending students will have an oral exam consisting in 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 topics of the course; 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.

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.

- Companies: key features
- Legal Basis for European Company Law;
- Harmonization in European Company Law, in particular, codified Directive (EU) 2017/1132;
- EUJ 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.

- 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 shall deliver lectures on the topics mentioned in this syllabus. The instructor could teach up to 4 hours via IT facilities.

There will be a massive use of flipped classroom teaching style in particular concerning the topics included in Part I. Regarding some specific subjects, attending students shall be required to read a few short readings suggested by the teacher. They will eventually deliver a presentation to their colleagues, to engage a fruitful debate on the most relevant topics the course deals with.

modalità di valutazione:

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.

Actively attending students will be assessed:

1. based on their involvement in the course's activities (quality and quantity; 50%), and a multiple-choice test (50%) on Part I; and
2. on a short paper to be written on a subject assigned on topics included in Part II.

Non-actively attending students shall sit a multiple-choice written examination on Part I; students taking at least 15/30 in the examination on Part I are admitted to the oral examination on Part 2.

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:

altre risorse / materiali aggiuntivi:

Part 1:

Attending students:

- notes from lectures and additional material provided by the module convenor.

Non-attending students:

- Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry Hansmann, Gerard Hertig, Klaus Hopt, Hideki Kanda, Mariana Pargendler, Wolf-Georg Ringe, and Edward Rock *The Anatomy of Corporate Law* Oxford University Press, Oxford, 3rd edition, 2017, Chapters 1-4
- Nicola de Luca, *European Company Law*, Cambridge University Press, Cambridge, 2nd edition, 2021 (Parts to be communicated later)

Part 2:

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
- European Economic and Social Committee, *Recent Evolutions of the Social Economy in the European Union. Study*, 2016, available at <https://www.eesc.europa.eu/sites/default/files/files/qa-04-17-875-en-n.pdf>, Chapters 1, 2, 3, 4 (pages 1-46)
- 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
- Danny Busch, *The Future of the Capital Markets Union After Brexit*, in *rivistaodc.eu*, 2/2018, 37-58

Also: the 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 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 and discussions between the students and the professor mainly through slides and judgments.

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 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.

altre risorse / materiali aggiuntivi:

In addition to the above-mentioned textbook, students are required to study the most significant judgments of the European Court of Human Rights and of the European Court of Justice, 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. 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. Roberto Cisotta

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 gain the knowledge of the fundamentals and of the principal evolutionary paths of the EU Legal Order. The student will be able to carry out, with a high degree of autonomy, researches on the sources of EU Law, including the case-law of the Court of Justice of the EU. The student will be able to understand and evaluate, with a high degree of autonomy, the legal, but also socio-political and ethical, implications of the choices made at all levels within the EU Legal Order, in particular with reference to the evolutions currently under way. The student will 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 European integration process: historical overview and perspectives. The EU, the Institutions of the EU and law-making. The EU legal order: general overview and analysis of the legal sources. Implementation of EU Law within domestic legal orders. Judicial protection in the EU. EU competences and external relations. EU Policies, in particular internal market and the area of freedom, security and justice (general aspects).

metodologie didattiche:

The course will be delivered in classes (lezioni frontali) 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 judgments of the Court of Justice of the EU or other official documents of the EU Institutions. Use of multimedia: ppt presentations, audiovisual sources from official archives and the internet.

modalità di valutazione:

The exams will include both written and oral tasks. Presentations made by students regularly attending the course will also be evaluated. Written proofs - held in presence or on-line - will be based on two open questions (themes): in the first question, students will be asked to give advice to an imaginary subject (a natural or legal person) on a practical problem related to EU Law; in the second question students will have to demonstrate their theoretical knowledge on a topic of EU Law. In the oral proof, which presupposes the passing of the written proof, students will be asked a further question on a topic part of the programme. In the evaluation, theoretical knowledge will count for 40%; knowledge of the case-law and problem solving attitude in relation to concrete cases will count for 40%; capacity to understand legal and extra-legal implications of policy choices at the EU level will count for 20%.

testi (A)dottati, (C)onsigliati:

1. (A) Robert Schütze, *European Union Law*, Cambridge University Press, 2018, Chapters 1-15

altre risorse / materiali aggiuntivi:

Further materials (judgments of the Court of Justice, other documents and scholarly articles) recommended for the preparation of the exam will be made available on-line.

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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:

- . Illustrating the general principles and rules of the Italian private law
 - . Describing the relevant issues related to European private law
 - . Identifying the main differences in civil and common law of contract, tort and property
 - . Explaining the impact that legal rules produce on the market and society
- Applying Knowledge and understanding
- . Ability to rework principles and rules of private law, and ability to apply such knowledge to specific cases.
- Making judgements
- . Autonomous capability to identify the rationale and axiology behind each rule;
- Communication skills
- . 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 (in class or in distance)
 - . Case studies that will be illustrated and discussed in class or on line.
 - . Guest speaker's talk (in class or in distance)
 - . 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 teacher and 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) P. Sirena, *Introduction to Private Law*, Il Mulino, 2021, Ch. 1 (only paras 1,2,3,4); Ch. 6; Ch. 7, Ch. X, Ch. XI, Ch. XII.
2. (A) Alpini A., *"The 'Equitable Dimension' of Constitutional Legality"*, Annali SISDIC, 2019, 73-91
3. (A) Ballarani G., *"The Same-Sex Parented Family Option: The View from Italian Case Law"*, The Italian Law Journal, 2020, 1-23
4. (A) Cipriani N., *"Unioni Civili: Same-Sex Partnerships Law in Italy"*, The Italian Law Journal, 2017, 343-355
5. (A) Criscuolo F., *"Constitutional Axiology and Party Autonomy"*, The Italian Law Journal, 2017, 357-375
6. (A) D'Ambrosio M., *"Reform of Non-Profit Organisations in Italy: Strengths and Weaknesses"*, The Italian Law Journal, 2018, 547-555
7. (A) Febbrajo T., *"Good Faith and Pre-Contractual Liability in Italy: Recent Developments in the Interpretation of Article 1337 of the Italian Civil Code"*, The Italian Law Journal, 2016, 292-312
8. (A) Carapezza Figlia G., *"The Prohibition of Discrimination as a Limit on Contractual Autonomy"*, The Italian Law Journal, 2018, 91-117
9. (A) Landini S., *"The Insurance Perspective on Prevention and Compensation Issues Relating to Damage Caused by Machines"*, The Italian Law Journal, 2020, 137-164
10. (A) Longobucco F., *"The loss of a right within the system of private punitive remedies"*, The Italian Law Journal, 2019, 151-173
11. (A) Mezzanotte F., *"All You Need Is Control. Italian Perspectives on Acquisitive Prescription of Immovables"*, The Italian Law Journal, 2018, 337-367
12. (A) Perlingieri C., *"Data as the Object of a Contract and Contract Epistemology"*, The Italian Law Journal, 2019, 613-631
13. (A) Perlingieri G., *'Reasonableness and Balancing in Recent Interpretation by the Italian Constitutional Court'*, The Italian Law Journal, 2018, 385-421
14. (A) Perlingieri P., *"Constitutional Norms and Civil Law Relations"*, The Italian Law Journal, 2015, 17-50
15. (A) Sasso I., *"Will Formalities in the Digital Age: Some Comparative Remark"*, The Italian Law Journal, 2018, 169-193
16. (A) Viterbo F.G., *"The 'User-Centric' and 'Tailor-Made' Approach of the GDPR Through the Principles It Lays down"*, The Italian Law Journal, 2019, Vol. 5, No. 2

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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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:?

- . analyze 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 Contemporary history and public law.

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:

- Globalization, Global Governance and Global Law
- The age of Imperialism and the Great War
- 20th century global governance: International Organizations (e.g. League of Nations; UN)
- Bipolarism, Cold War and global implications
- Europe in the World I: From the Treaty of Rome to the fall of the Berlin Wall
- Europe in the World II: From the 'Maastricht' Treaty to Brexit
- Constitutionalism in Global order: Democracy, rule of law and freedom
- Citizenship, Migration and Human Rights

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%)
- . Mid-term written exam (70%)

Non-attending students will only take a final oral exam. The examination is divided into 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 and pass 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 proof is the rule, oral form being optional. Written proof will be based on two open questions (themes) and six close questions on the topics treated in the Course for students regularly attending.

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 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:

Knowledge of English is required.

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 the International Law of the Sea

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 can 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

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.

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:

Knowledge of constitutional law

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 online platform. 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) Brian Bercusson, *European Labour Law*, Cambridge University Press, 2009
2. (C) F. Carinci, E. Menegatti, *Labour Law and Industrial Relations in Italy*, Wolter Kluwer Italia, 2015
3. (A) Roger Blanpain, *European Labour Law*, Wolter Kluwer, 2014, General Introduction Ch. 4; Part I Ch. 1, 4-10; part II, Ch. 1-2

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, with particular regard to the common law. The course takes a structured and integrated approach to the highly specialized rules of shipping. 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 technology.

prerequisiti:

None

programma del corso:

The course is focused on the following topics:

- The conflict of laws;
- Shipbuilding, Sale, Finance and Registration;
- International trade and Shipping Documents;
- Charterparties;
- Cargo claims and Bills of Lading;
- Carriage of passengers;
- The liabilities of the vessel;
- Public international law aspects of shipping regulation;
- Safety and compliance;
- Marine pollution from shipping activities;
- Marine insurance;
- Procedures for Enforcement.
- 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) Yvonne Baatz, *Maritime Law*, Informa Law from Routhledge, 2021, 625

altre risorse / materiali aggiuntivi:

Slides and others materials will be provided during the course.

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OTHER LANGUAGE ACTIVITIES (FRENCH LANGUAGE)

Prof.ssa Sabra Boukelia

corso di laurea: PDS0-2021 **classe:** L-14 **mutuazione:** classe L-36
ore complessive: 15 **CFU:** 3 **SSD:** L-LIN/04

**Per Mutuazione da Lettorato lingua francese A2, primo semestre (corso di laurea: L19-0/11 classe: L-36)
lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**
non indicate

lingue, oltre all'italiano, che si intende utilizzare per la valutazione:
non indicate

obiettivi formativi / risultati di apprendimento attesi:
Da concordare con il responsabile della sezione linguistica

prerequisiti:
Da concordare con il responsabile della sezione linguistica

programma del corso:
Esercitazioni pratiche della lingua

metodologie didattiche:
Da concordare con il responsabile della sezione linguistica

modalità di valutazione:
Da concordare con il responsabile della sezione linguistica

testi (A)dottati, (C)onsigliati:

altre risorse / materiali aggiuntivi:
non indicati

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OTHER LANGUAGE ACTIVITIES (SPANISH LANGUAGE)

Prof.ssa Cristina Ioreley Biagini

corso di laurea: PDS0-2021 **classe:** L-14 **mutuazione:** classe L-36
ore complessive: 15 **CFU:** 3 **SSD:** L-LIN/07

**Per Mutuazione da Lettorato lingua spagnola Livello di uscita a2 (corso di laurea: L19-0/11 classe: L-36)
lingue, oltre all'italiano, che possono essere utilizzate per l'attività didattica:**
non indicate

lingue, oltre all'italiano, che si intende utilizzare per la valutazione:
non indicate

obiettivi formativi / risultati di apprendimento attesi:
Da concordare con il responsabile della sezione linguistica

prerequisiti:
Da concordare con il responsabile della sezione linguistica

programma del corso:
Esercitazioni pratiche della lingua

metodologie didattiche:
Da concordare con il responsabile della sezione linguistica

modalità di valutazione:
Da concordare con il responsabile della sezione linguistica

testi (A)dottati, (C)onsigliati:

altre risorse / materiali aggiuntivi:
non indicati

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OTHER LANGUAGE ACTIVITIES OTHER LANGUAGE ACTIVITIES (ENGLISH LANGUAGE)

Prof.ssa Viviana Gaballo

corso di laurea: PDS0-2021 **classe:** L-14 **mutuazione:** classe LM/SC-GIUR
ore complessive: 15 **CFU:** 3 **SSD:** L-LIN/12

**Per Mutuazione da Advanced english for legal studies (corso di laurea: PDS0-2019 classe: LM/SC-GIUR)
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 ensure that students acquire the skills, tools and terminology needed to operate in a context of legal innovation in a technologized and globalized world, and enhance students' ability to analyze the language used in legal innovation, based on a functional approach to the English language, and the linguistic competence needed to understand and produce texts that are used in the legal profession.

At the end of the course, students will be able to read and understand specialized texts related to the legal professional practice, write a short report on a case study in English, and give a presentation on a case study in English.

prerequisiti:

English proficiency level: Intermediate to Advanced.

The course is technology-enhanced; students are required to have an e-mail account and computer literacy.

programma del corso:

8 ECTS PROGRAMME

The course aims at providing advanced English legal knowledge and skills required to successfully navigate the most dynamic aspects of innovation in legal services and practice. The language of a legal system will be analyzed in terms of its terminology and phraseology, and the characterizing aspects of English in legal contexts will be highlighted, in terms of collocation, colligation, semantic preference and semantic prosody. The translation of legal texts will raise students' awareness of the stylistics, lexical, grammatical and cultural characteristics of legal language across cultures.

Related contents will refer to the following core areas:

MODULE A - ENGLISH IN CONTRACT LAW
MODULE B - ENGLISH IN COMPANY LAW
MODULE C - ENGLISH IN COMPETITION LAW
MODULE D - ENGLISH IN ENVIRONMENTAL LAW
MODULE E - ENGLISH IN INTELLECTUAL PROPERTY LAW
MODULE F - ENGLISH IN NEGOTIABLE INSTRUMENTS
MODULE G - ENGLISH IN SECURED TRANSACTIONS
MODULE H - ENGLISH IN TECHNOLOGY AND FRAUD
MODULE I - ENGLISH IN THE LAW OF THE SEA

3 ECTS PROGRAMME

The course aims at providing advanced English legal knowledge and skills required to successfully navigate the most dynamic aspects of innovation in legal services and practice. The language of a legal system will be analyzed in terms of its terminology and phraseology, and the characterizing aspects of English in legal contexts will be highlighted, in terms of collocation, colligation, semantic preference and semantic prosody. The translation of legal texts will raise students' awareness of the stylistics, lexical, grammatical and cultural characteristics of legal language across cultures.

Related contents will refer to the following core areas:

MODULE A - ENGLISH IN CONTRACT LAW
MODULE B - ENGLISH IN COMPANY LAW
MODULE C - ENGLISH IN COMPETITION LAW

metodologie didattiche:

Teaching and learning are organized according to ILV methodology (Information / Laboratory / Verification), which provides informative moments, followed by analysis and reconstruction workshops that allow students to turn theory into practice, and develop reflective thinking on their own learning processes and products.

modalità di valutazione:

8 ECTS PROGRAMME

At the end of the course students will have to take a final test with closed-ended questions, aimed to assess knowledge of the core concepts of the specialized language, and work on a project work resulting in the written report on a case study (to be agreed with the instructor) and its oral presentation in English. The test and the project work will each be worth 50% of the final exam score. The overall evaluation of the exam will take into account the key concepts learnt, the problem-solving and critical thinking applied to the project work carried out, and the ability to discursively organize knowledge.

3 ECTS PROGRAMME

Assessment of the student's understanding of the assigned modules will be made based on a final test with closed-ended questions.

testi (A)dottati, (C)onsigliati:

1. (A) A. Krois-Lindner, Translegal, *International Legal English. Second Edition.*, Cambridge University Press, 2011, 336
2. (C) M. Chartrand, C. Millar, E. Wiltshire, *English for Contract and Company Law*, Thomson Reuters, 2009, 155

altre risorse / materiali aggiuntivi:

The course programme, whether 8 ECTS or 3 ECTS, equally applies to all students, who are all considered to be attending. The study materials and related activities are available on a specific platform, on which students will register at the beginning of 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 main ganglions of the relations between private individuals 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, for a total of 30 hours.
- 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

Prof. Romolo Donzelli

corso di laurea: PDS0-2021 **classe:** L-14
ore complessive: 40 **CFU:** 8 **SSD:** IUS/15

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 will deal with the general principles of civil procedural law and transnational litigation, with particular attention to international arbitration. 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.

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 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 (themes) 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). In case exams are held online, written proofs will be based on multiple-choice questions. 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) American Law Institute and UNIDROIT, *Principles of Transnational Civil Procedure*, Cambridge University Press, 2007
2. (C) Stuart Dutton - Andy Moody - Neil Newing, *International Arbitration, A Practical Guide*, Global Law and Business, 2019

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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