UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Business and Consumer Contracts in a Global Perspective

1819-5-A5810246

Learning objectives

The course aims to provide an analysis of contract law with particular reference to business and consumer contracts law and models in comparative and global perspective.

Contents

After an introduction to the essential aspects and methodology of comparative law, the European law models will be examined, with specific reference to harmonization, unification and optional law models. A particular focus will be dedicated to business-to-consumer directives and their implementation in the Member States.

The course will also examine business and consumer contract law and models outside the Western Legal Tradition. In particular, contract law and models in BRICS countries will be considered.

The second part of the course will address specific issues relating to the formation of the contract and its effects, namely unfair commercial practices and misleading advertising in business-to-business contracts, unfair terms, sale of goods liability for defective goods.

Finally, specific contracts will be examined, with particular reference to the financial sectors, credit contracts and insurance contracts

Detailed program

Part I Introduction to contract law in comparative and global perspective

1. The comparative law approach and methodology (2h)

2. Legal families and Legal traditions (2h)

3. Fundations of the Western Legal tradition and the rule of law: impact on contract law (2h)

4. The creation of business to consumer contract law in EU and the institutional framework (legal basis, objectives, limits) of EU (2h)

5. Projects, solutions and models of harmonization, unification (2h)

6. Optional laws, Unidroit and contract models (4 h)

7. Liabilities towards consumers between contract law and tort law (2 h)

8. Contract law outside EU and the Western Legal Tradition: analysis of models and solution in BRICS countries (2 h)

9. Contract law outside EU: China (2h)

10. Contract law outside EU: India (2h)

Part II Analysis of specific aspects of contract law

11. Unfair contract terms in B2C contracts (2h)

12. Unfair contract terms in other contracts (2h)

13. Unfair commercial practices (2h)

14. Unfair commercial practices 2 (2h)

15. Credit contracts 1(2h)

16. Credit contracts 2 (2h)

17. Insurance contracts 1 (2 h)

18. Insurance contracts 2 (2h)

Prerequisites

Teaching methods

Assessment methods

Oral test – optional preparation of a paper

Textbooks and Reading Materials

Sacco, Legal formants - Excerpts
Merryman, The Civil Law Tradition - Excerpts
Gilmore, The death of contract - Excerpts
All other materials suggested at lesson and included on the e-leaning website of the course