UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Business and Consumer Contracts in a Global Perspective

2526-5-A5810239

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.
The course aims in particular to give an in-depth analysis of the evolution of consumer law and consumer policy in EU and the regulation of the international trade.

At the end of the course, students are expected to achieve the following outcomes:

A) Knowledge and Understanding
Demonstrate knowledge and understanding of the fundamental principles of consumer and business law, consumer rights in the European Union, and the regulation of international trade. Students will become familiar with consumer policy and its legal framework.

B) Applying Knowledge and Understanding
Independently identify the relevant legal regulations and interpret the clauses of consumer contracts, employing tools from comparative law where appropriate.

C) Making Judgements
Develop the ability to integrate acquired knowledge and address complex issues. Students should be able to make informed legal judgments regarding contract regulation, considering and comparing alternative legal solutions.

D) Communication Skills
Effectively present legal rules and solutions using appropriate legal and technical terminology.

E) Learning Skills
Strengthen autonomous learning abilities and acquire the necessary tools to independently analyze legal rules and contractual texts.

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

2. Legal families and Legal traditions

3. Fundations of the Western Legal Tradition and the rule of law: impact on contract law

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

5. Projects, solutions and models of harmonization, unification

6. Contract law outside EU and the Western Legal Tradition

Part II Analysis of specific aspects of contract law

7. Unfair contract terms

8. Unfair commercial practices

9. Credit and insurance contracts

Prerequisites

Good skills in reasoning and reading legal materials.

Teaching methods

18 two-hour lessons held in presence (DE)
2 two-hour lessons delivered remotely (asynchronous mode)
1 exercise of 2 hours held in presence

Assessment methods

Oral examination.
The exam will covr the topics covered in class and the assigned reading materials and will test the skills acquired.

The examination is aimed at testing the ability to understand and explain in a clear and personal manner the fundamental topics and issues of the discipline.
The assessment criteria for the skills indicated are based on knowledge and understanding of the fundamental content of the discipline, ability to apply the knowledge acquired and the use of appropriate legal terminology.

Textbooks and Reading Materials

Jan M. Smits, Contract Law - A Comparative Introduction, Edward Elgar Publishing, 3rd edition
and
all the materials available on line as suggested by the professor during the course.

Sustainable Development Goals

QUALITY EDUCATION | INDUSTRY, INNOVATION AND INFRASTRUCTURE