UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Il Contratto di Appalto

2526-1-FSG02A001-FSG02A00101

Learning objectives

At the end of the course, the student shall have acquired:

- Knowledge and understanding of the fundamental principles of the civil law regulation of the procurement contract.
- Ability to apply the notions learnt to the analysis of concrete cases and in the resolution of legal problems relating to the execution of the contract (e.g. responsibility, variations, termination, etc.).
- Autonomy of judgement in the interpretation of rules and the identification of the most appropriate legal solutions.
- Communication skills in the presentation and discussion of legal arguments, both in written and oral form.
- Ability to learn independently, also by consulting normative, doctrinal and jurisprudential sources.

Contents

The module is divided into a general part, in which an organic overview of the legal regime of the procurement contract will be provided, and a special part, in which - based on traces of practical cases - specific problematic issues, which have been the subject of case law debates, will be addressed.

Detailed program

As far as the general part is concerned, the following topics will be addressed:

- The characteristics of the procurement contract
- The differences with other typical contracts (administration, sale, subcontracting, works contract)

- The subjects of the contract (capacity of the subjects, joint ventures, subcontracting)
- Developments in the relationship (controls during work, variations, delivery)
- The responsibilities of the contractor (for non-conformities and defects, for ruin and serious defects, for damages to third parties)
- The termination of the relationship (termination, impossibility, loss, death or bankruptcy of one of the parties)
  In the special part, case law cases on certain topics dealt with in the general part will be examined in depth.

Prerequisites

Knowledge of private law institutions

Teaching methods

Lectures will be held in face-to-face mode with interactive discussion of practical cases. Up to 7 hours of lectures may be delivered online.
The slides, case law and doctrinal material analysed during the lectures will be made available on the e-learning platform.

Assessment methods

Final oral examination on the topics covered in classes and on the indicated textbook.
During the examination, the ability to expound, understand and apply concepts, autonomy of judgement and language property will be assessed.
A written pre-test with open questions will also be given at the end of the course.

Textbooks and Reading Materials

A. ALBANESE, L'appalto, Giappichelli, Torino, 2023.

Sustainable Development Goals

INDUSTRY, INNOVATION AND INFRASTRUCTURE