

**Master's Degree in Administrations and Complex Organizations
Sciences**

**Contract law
2021/2022, I year, 10 ECTS**

Prof. Giusy Cosco

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| Course information | CONTRACT LAW Master's Degree in Administrations and Complex Organizations Sciences Academic Year 2021-2022 I year, I semester 10 ECTS, 60 hours |
| Teacher information | Prof. Giusy Cosco, Private law researcher (Department of Law, Economic and Sociology) Contacts: giusycosco@unicz.it , 0961.3694926 The student receptions will be held at the end of each lesson and according to the calendar that will be published periodically on the teacher's page. |
| Course description | The course deals with a specialized discussion of in-depth analysis and updating of contract law in the light of the innovations that have emerged on the legislative and jurisprudential level in recent years. The teaching is organized according to a progression that follows the systematic codes on the general part of contract law, with the integration of special legislation. |
| Course objectives and expected learning outcomes (in particular: knowledge and understanding; applied knowledge and understanding; independent judgment; communication skills; learning ability) | <p>The aim of the course is the consolidation by students of their knowledge of contract law in the light of the innovations that have emerged on the legislative and jurisprudential level in recent years, considering the social evolution of the phenomenon and its transnational dimension.</p> <p>Knowledge and understanding At the end of the course, the student will have acquired an in-depth knowledge of legal problems relating to contracts, as well as the related rules and techniques for negotiating conflict of interest.</p> <p>Applied knowledge and understanding The student must correctly apply the reference regulations, demonstrating: to be able to solve legal</p> |

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| | <p>problems relating to contracts; to know how to analyze them and to be able to apply the related editing techniques; to be able to resolve disputes relating to the interpretation and execution of the contract.</p> <p>Autonomy of judgment The student will be able to autonomously build negotiation schemes for the solution of conflicts between private individuals, to develop contracts with appropriate clauses for this purpose, to manage the executive phase and to select and adopt remedies to any pathologies of the contract or relationship.</p> <p>Communication skills, Learning ability At the end of the course the student will be able to explain the operating mechanisms and the reasons for the choice between the different negotiation schemes and between the different contractual clauses, as well as be able to identify with reference to concrete contractual models the related legal issues, the applicable standards and possible solutions, expressing themselves consistently and using specific technical language.</p> |
| <p>Program (contents, procedures). Possible distinction between attending and non-attending programs.</p> | <p>Introductory notions to contract law. Contract and legal transaction: the historical event, the theory of the legal transaction, the sources of the contractual regulation. Contractual autonomy: content and effects, the law and the limits to contractual autonomy. The contractual regulation. The progressive formation of consent. Pre-contractual liability. The preliminary contract, the option, the regulatory contract, the conventional pre-emption. The conclusion of the contract The essential elements: agreement, cause, form and object. The accidental elements. The effects. The interpretation, integration and qualification of the contract. The contract and third parties. The vices of the will. The simulation. Invalidity. The termination. The resolution. The withdrawal. The transfer of the contract. The subcontract. Representation.</p> |

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| | The contract for the person to be appointed. Consumer contracts. Contracts between companies. |
| Estimate of the hourly commitment required for individual study | Given that the amount of study actually required to prepare for an exam is subjective and varies according to the learning ability of each student, the indicated program requires on average an individual study equal to 250 hours. |
| Teaching Methods | Lectures, simulation of cases and exercises. |
| Learning resources (Recommended reference texts, any further recommended reading for further information, other didactic material) | <p>F. GAZZONI <i>Manuale di diritto privato</i>, Napoli, Edizioni Scientifiche Italiane, latest edition, (only for the topics indicated in the program); M.L. CHIARELLA, <i>Contrattazione asimmetrica. Segmenti normativi e costruzione unitaria</i>, Milano, Giuffrè, 2016 (45 - 222). For further information, students are advised to study G. SICCHIERO, <i>Fondamenti di tecnica contrattuale</i>, Milano, Wolters Kluwer, 2018.</p> <p>Any civil code with complementary laws can be used for the direct study of the normative texts; for example: DI MAJO (edited by), <i>Codice civile con la Costituzione, i Trattati dell'U.E. e le principali norme complementari</i>, Milano, Giuffrè (ult. ed.); DE NOVA (edited by), <i>Codice civile e leggi complementari</i>, Bologna, Zanichelli (latest edition).</p> <p>For the study of the reference texts of European private law we recommend: P. SIRENA, F.P. PATTI, R. SHULZE, R. ZIMMERMANN, <i>Diritto privato europeo. Testi di riferimento</i>, Giappichelli, 2017.</p> |
| Support Activities | In-depth seminars and student reception. |
| Methods of attendance | Attendance of the course is optional. |

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| Methods of assessment | The final exam will be held orally. The criteria on the basis of which the student will be judged are those indicated in the following grid: | | | |
| | Vote | Knowledge and understanding of the topic | Ability to analyze and synthesize | Use of references, especially bibliographic references |
| | Fail | Important shortcomings. Significant inaccuracies | Irrelevant. Frequent generalizations. Inability to synthesize | Completely inappropriate |
| | 18-20 | At the threshold level. Obvious imperfections | Just enough capacity | Just appropriate |
| | 21-23 | Routine knowledge | It is able to carry out correct analyzes and syntheses. Argue logically and consistently | Use standard references |
| | 24-26 | Good knowledge | He has good analysis and synthesis skills. The arguments are expressed consistently | Use standard references |

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| | 27-29 | More than good knowledge | He has considerable skills in analysis and synthesis | He deepened the arguments |
| | 30-30L | Excellent knowledge | He has excellent analysis and synthesis skills | Important insights |