

Curricular Unit

Master in L&M 4E 2024/2025

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Office Hours	

Introduction

Contracts are an essential tool in any legal system and so is knowledge about this legal instrument. The course covers Public and Private Law contracts, as well as International and European Law.

Goals

The course aims to provide the lecturees with the fundamental tools for dealing with contracts, being suitable for anyone who wants to know more about this legal instrument and not only to Law students. Besides introducing the core aspects of Contracts, the course aims to develop research and analytical skills through a pragmatic approach.

Methods

Classes will be conducted in a interactive way, stimulating the dialogue and the in-class work, bearing in mind the need not only for a theoretical approach but also a practical one.

Course Contents

Part I – Introduction to Contracts

1. Contract: origins and meaning
2. Private Law and Public Law: the division and the interactions
3. International Trade Law: first approach
4. European Union Law: first approach

Part II – Private Contracts

1. The structure and general principles of the Law of Obligations and Contracts
2. Formation of the contract. Unfair Contract Terms
3. Consumer Protection Law
4. Liability for breach of contract
5. Change in circumstances, *force majeure* and other disruptions of contract
6. The United Nations Convention on Contracts for the International Sale of Goods of Vienna, 1980 (CISG)

Part III – Public Contracts

A. Public Procurement

1. General principles of European Law on Public Procurement
2. The award procedures
3. Public-Private Partnerships and Concessions

B. Execution of Public Contracts

1. Execution and special powers of public authorities. Contract management.
2. Disruptions to performance: breach of contract, unforeseen circumstances, *force majeure*. The effects of the pandemic and of the war on Public Contracts.

Part IV – Workshop

Assessment

- A) Written exam (24 hours take-home exam): 50%
- B) Participation in class and written assignments: 50%

References

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JANSEN, NILS / ZIMMERMANN, REINHARD, *Commentaries on European Contract Laws*, Oxford, OUP, 2018

KÖTZ, HEIN, *European Contract Law*, Oxford, OUP, 2017

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SCHWENZER, INGEBORG (ED.), *Schlechtriem & Schwenzler Commentary on the UN Convention on the International Sale of Goods (CISG)*, 4th ed., Oxford, OUP, 2016

SÁNCHEZ-GRAELLS, ALBERT, *Public Procurement and the EU competition rules*, 2.^a ed., OxfordPortland, Oregon: Hart Publishing, 2015

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YESCOMBE, E. R., & FARQUHARSON, E. *Public-Private Partnerships for infrastructure: Principles of policy and finance*, Butterworth-Heinemann, 2018