

ing an “article-by-article” approach, with major emphasis being attributed to specific provisions, including those relating to the concept of permanent establishment, the residence (and domicile) for tax purposes and the notion of passive income. In this respect, the course shall also deal with the ways and means to prevent double taxation, including the use of tax credit or the exemption mechanism. Eventually, very basic tax planning schemes shall be introduced to the students, using the Italian legal system as a benchmark to assess their feasibility and the possible advantages determined by their actual implementation. This will lead to the addressing of tax avoidance and evasion issues together with the principle of “abuse of law” which is extensively used by the Italian and European judiciary to solve the most intricate cases of tax avoidance.

Introduction to Italian Criminal Law 40 hours | 6 ECTS credits | 55546

Adriano Martufi

In its institutional part the course will address the following topics: (I) fundamental background information about the criminal justice system in Italy; (II) sources of Italian criminal law; (III) fundamental constitutional principles: the principle of legality (*nullum crimen sine lege*); the prohibition of retroactive criminal law; the principle of individual guilty mind (*nullum crimen sine culpa*); the principle of proportionality: the purpose of criminal punishment under the Constitution. The second part of the course will concentrate on the grounds for criminal liability: (I) physical element (*actus reus*); (II) mental element (*mens rea*); (III) justification; (IV) legal excuse; (V) chargeability and exclusions of criminal responsibility; (VI) criminal attempt; (VII) participation in criminal offences. The final part of the course will be devoted to studying some elements of the sanctions system and sentencing standards.

Introduction to Italian Private Law 40 hours | 6 ECTS credits | 55544

Alberto De Franceschi

The course will provide a general presentation of Italian private law, focusing on the law of contracts and obligations. Topics include: (I) the Italian legal system: the sources of Italian private law, the role of case law and legal scholarship; (II) legal facts and acts: transactions, validity and effectiveness of legal acts; (III) persons: natural and legal persons; (IV) the concept of “thing”: relations among “things”, public and private “things”, movables and immovables; (V) protection of rights: public records, proofs; (VI) prescription and limitation; (VII) ownership, property interests, possession; (VIII) the law of obligations: sources of obligations, performance, non-performance, impossibility, manners of discharge other than performance, particular obligations, circulation of rights and obligations, securities; (IX) the law of contracts: the nature and definition of contracts, freedom of contract and its limits, the binding force of contracts, the elements of a contract, preliminary contracts, contracts transferring ownership or property interests, contracts and third persons, agency and representation, interpretation of contracts, validity of contracts, termination, rescission, particular types of contract; (X) general principles of tort law.

Advanced Legal English 40 hours | 6 ECTS credits | 55793

Alison Riley

The course aims to develop competence in legal English to an advanced level in the full range of language skills, both written and oral/aural and to familiarise course members from civil law countries with the workings of a common law legal system, through the practical development of both language and legal skills. Awareness will be developed of variations in legal English in different national contexts and in international and European Union law. Interactive lessons are based on consultation and discussion of a wide variety of original legal texts in English from both national and international legal

orders, with particular emphasis on sources of law (legislation, case law, treaties); a systematic approach to learning legal terminology and appropriate legal expression is an integral part of the learning process. The following topics are covered: (I) sources of English law and the British constitution, the impact of European Union and European Convention on Human Rights law; (II) human rights protection in the common law and the European Convention on Human Rights, with case studies in freedom of religion and freedom of expression; (III) common law method and the language of civil law and proceedings, with in-depth terminology focus on the law of torts; (IV) European Union law and language with special reference to proceedings before the Court of Justice. Specialised terminology work in other branches of law may be inserted on request.

Private International Law of Contractual and Non-Contractual Obligations 40 hours | 6 ECTS credits | 57856

Martin Gebauer (University of Tübingen)

— Letizia Gianformaggio Chair 2014/2015

The course addresses the issues raised by contracts and non-contractual obligations that feature a foreign element, as regards both the identification of the court (or courts) possessing jurisdiction and the determination of the law (or rules of law, as the case may be) applicable to the substance of the situation. Provisions enacted by the European Union will lie at the centre of the stage: the focus will be on Regulation (EU) No 1215/2012 (“Brussels I bis”), and on Regulations (EC) No 593/2008 (“Rome I”) and No 864/2007 (“Rome II”). Other legal instruments, either already adopted or still under elaboration, will equally be considered, including the Hague Convention of 30 June 2005 on Choice of Court Agreements and the Hague (draft) Principles on Choice of Law in International Commercial Contracts. Seminars devoted to the discussion of relevant case law will supplement traditional classes.



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UNIVERSITÀ
DEGLI STUDI
DI FERRARA
- EX LABORE FRUCTUS -

Department of Law

Studying Law in Ferrara in English

Academic Year 2014/2015

European Labour Law

40 hours | 6 ECTS credits | 55541

Silvia Borelli

The course will deal with the following topics: (I) the present financial crisis and its threats to the Union; (II) the Euro: a Currency in Search of a State; (III) geo-political history of Europe after World War II; (IV) evolution of the Treaties until the Treaty of Lisbon and the present situation; (V) the social dimension of the European Union; (VI) EU legislation and its efficacy; (VII) the relationships between different national legal systems; (VIII) the role of European Institutions (Parliament, Commission, Council) in the legislative process; the role of Social Dialogue and collective agreements; (IX) the Court of Justice and the role of European case law; (X) freedom of movement of workers and citizens; (XI) the principles of equality and non-discrimination; (XII) health and safety at work; (XIII) working time; (XIV) atypical workers; (XV) crisis of the undertaking (insolvency of employer; transfers of undertakings; collective redundancies); (XVI) information, consultation and workers participation.

International Human Rights

40 hours | 6 ECTS credits | 44236

Serena Forlati

The institutional part of the course will address the general framework of human rights protection in international law: (I) the origins of international human rights protection; (II) the United Nations Charter and the Universal Declaration of Human Rights; human rights treaties: specifically, the 1966 UN Covenants and the European Convention on Human Rights; rules of customary international law; (III) monitoring compliance with international human rights obligations: UN Charter-based and treaty-based bodies; the role of international tribunals: specifically, the European Court of Human Rights; (IV) the effects of human rights treaties in the Italian legal order. The second part of the course will focus on the relationship between the fight against organised crime and the protection of fundamental human rights. The latter topic will also be addressed in the context of inter-disciplinary seminars organised by *Ma.Cr.O.* – Inter-Disciplinary Research Centre on Mafia and other forms of Organised Crime.

International Institutional Law

40 hours | 6 ECTS credits | 55537

Pietro Franzina

International organisations play an increasingly important role in the development of the international legal order and in the enforcement of its rules. The course aims to provide a critical insight on the structure and operation of international organisations, as well as on their contribution to today's international law. While some basic issues are common to the majority of international organisations, the course will focus on a limited number of international organisations and will examine their features from a comparative perspective. Reference will be made, in particular, to the United Nations, the International Labour Organization and the Council of Europe. The course will concentrate on the following topics: (I) the rise of international organisations and their current position within the international community; (II) international organisations as subjects of the international legal order; (III) the issue of membership; (IV) the powers of international organisations, their institutional structure and decision-making process; (V) the legal order of international organisations.

International Trade Law

40 hours | 6 ECTS credits | 55538

Magdalena de Leeuw

The first part of the course will deal with cross-border private transactions, focusing on the international sales of goods and on the various relations that arise as a result of a sale contract. Topics include: the 1980 UN Convention on contracts for the international sale of goods and the UNIDROIT Principles of international commercial contracts 2010; standard trade terms

(Incoterms); transportation; payment mechanisms and insurance coverage. Attention shall furthermore be paid to dispute settlement including conflict of laws, arbitration and mediation and the law on the protection of intellectual property rights. The second part of the course will address the regulatory relationship between State actors and traders, analysing in particular the rules laid down in WTO agreements, with regard, *inter alia*, to tariffs and duties, subsidies and countervailing measures. Although the course will deal primarily with sales of goods, issues relating to the international trade in services will also be covered.

Introduction to Italian Public Law

40 hours | 6 ECTS credits | 55545

Sara Lorenzon

The course will focus on the following topics: (I) the Italian legal system (sources): the Italian Constitution: forms, principles and fundamental rights; primary law; secondary law and the power of government; local government and regional law; (II) the European legal system: from the founding Treaties to the Treaty of Lisbon; the Union's primary law and the primacy clause; (III) the impact of European law upon the internal legal system: the Italian Constitutional Court *vis-à-vis* the Court of Justice: the role and position of EU law within the internal legal order; direct effect, judicial review and the rule of law; (IV) the Italian Constitutional Court and the Court of Justice: the *Questione di legittimità costituzionale* (QLC) before the Italian Constitutional Court; preliminary ruling procedure and the direct action of annulment; the references for QLC and preliminary rulings: common features, interactions and effects within the national legal order; (V) governance: separation of powers according to the Italian legal system; the role of Parliament and Government; guarantees and control of powers among different actors: the President of the Italian Republic; the principle of conferral of powers in Europe: the devolution of national competences to the European institutions.

Private International Law

40 hours | 6 ECTS credits | 52860

Pietro Franzina

Legal relationships within the area of private law may feature connections with two or more countries, thereby displaying an international character. Private international law deals with these cases. Its purpose is to "order" legal pluralism, so as to provide certainty and cross-border continuity to the rights and status of individuals. The course examines the theoretical framework in which private international law issues are addressed in today's legal discourse and analyses a selection of private international law rules, namely EU rules, particularly in respect of matrimonial matters, the protection of children and vulnerable adults and succession upon death. Topics include: (I) the *raison d'être* of private international law, its language and theory; (II) adjudicatory jurisdiction; (III) the law applicable to cross-border legal relationships; (IV) recognition and enforcement of foreign judgments; (V) international judicial assistance, in particular as regards the taking of evidence abroad.

The Department of Law, established in 2012, has taken up the tasks formerly entrusted to the Department of Legal Sciences and the Faculty of Law, founded by Marquis Alberto V d'Este in 1391. The Department of Law has inherited from these institutions the renown of a lively centre of scientific research, a record of excellent teaching and a friendly environment where exchange students and visiting scholars can feel at home.

Fourteen courses are currently taught in English. Some introductory courses are open only to exchange students; they provide an account of the basic features of the Italian legal order in specific areas. Other courses offer an in-depth knowledge of specific aspects of Italian, EU and International Law, and are open both to exchange students and to those regularly enrolled in curricular studies at the Department. While there are no formal language requirements, an upper intermediate level in English (CEFR level B2) is deemed appropriate.

We look forward to welcoming you in Ferrara!

European Criminal Law

40 hours | 6 ECTS credits | 55542

Ciro Grandi

The institutional part of the course will focus on: (I) the lack of competence in criminal matters of European institutions under the founding Treaties; (II) *nullum crimen sine lege* and European law; (III) the impact of human rights on the development of a European criminal law; (IV) the European administrative sanctions; (V) the influence of EU regulations and directives on national criminal law: the disapplication of national law; the harmonisation of national criminal law under the principle of loyal cooperation; the duty of consistent interpretation; (VI) the development of a European criminal policy under the Treaties of Maastricht and Amsterdam; (VII) the attribution to the EC of a criminal law competence under the case-law of the Court of Justice; (VIII) the Treaty of Lisbon: the attribution of (indirect) competence in criminal matters to the EU. The special part of the course will focus on: (I) the European Arrest Warrant; (II) EU directives in criminal matters before and after the Treaty of Lisbon.

European Private Law

40 hours | 6 ECTS credits | 55543

Claudia Amodio

The first part of the course will focus on the process of Europeanisation, *i.e.* on the historical development and the comparative law dimension of European private law, by analysing the various aspects of harmonisation and unification which are reshaping the law of the different Member States. In this context, particular attention will be paid to the different ways of implementing European directives in national law, to soft methods of harmonisation as well as to the debate on the construction of a European Civil Code. The second part of the course will concentrate on specific aspects of French, German and English law, showing similarities and differences relevant to the formation of European legal unity. In this context, the course will provide an in-depth analysis of the foundations, objectives and limitations of the principle of non-discrimination in European Contract Law, especially in its relation to freedom of contract.

European Company Law

40 hours | 6 ECTS credits | 55539

Magdalena de Leeuw

The course aims to provide students with a detailed knowledge of the legal measures adopted in this field of law by the European institutions. As an introduction, attention shall be paid to the general characteristics of business organisations (*e.g.* partnerships, public companies and private companies) and the main differences between those organisations in Europe. The following issues will then be examined: (I) the case-law of the Court of Justice on the right of establishment for companies and legal entities (*Centros*, *Überseering* and *Inspire Art* judgments); (II) the EU's harmonisation programme, with a discussion of the relevant directives (on disclosure, capital, mergers, cross-border mergers, annual accounts etc.); (III) the creation of EU business organisations including the European Company and the European Co-operative Society. The course will also place specific emphasis on current issues such as corporate mobility for national companies and the development of groups of companies (in the context of the Commission's reflection on the future of European company law launched at the end of 2010).

International Taxation Law

40 hours | 6 ECTS credits | 55540

Marco Greggi

The course will be divided into two parts. The first will address the main theoretical aspects of international taxation, including the legitimation to tax by a sovereign State, the (possible) self-restraint in the exercise of this power in order to prevent international double taxation, the source and residence rules applicable to cross-border situations. The second part shall be focused on the OECD and UN Model Conventions. These will be analysed follow-