



UNIVERSITÀ  
DEGLI STUDI  
DI FERRARA  
- EX LABORE FRUCTUS -

University of Ferrara  
**Department of Law**

# Studying law in Ferrara **in English** and other foreign languages

Academic Year 2015/2016

Fifteen courses will be taught in a language other than Italian in the Academic Year 2015/2016.

The courses scheduled to take place in the first semester run from 28 September 2015 to 18 December 2015. Those of the second semester run from 29 February 2016 to 27 May 2016. Starting dates of classes may vary from one course to another.

Several visiting professors will be teaching at the Department throughout the academic year. Professor Mauricio Troncoso Reigada of the Universidad Autónoma of Madrid and Professor Florian Jeßberger of the University of Hamburg will hold the *Letizia Giannomaggio Chair*. They will teach *Comparative Company Law* and *International Criminal Law*, respectively.

Individual lectures or series of lectures will be given, among others, by Professor Otto Pfersmann of the Université Paris I - Panthéon Sorbonne (in the framework of the courses of *Diritto costituzionale* and *Filosofia del Diritto*), Professor Jakob Stagl of the Universidad Bernardo O' Higgins of Santiago, Chile (*Diritto romano*), Professor Sabine Corneloup of the Université de Bourgogne (*Private International Law* and *Diritto internazionale*) and Professor Ivan Kleimenov of the Higher School of Economics, St. Petersburg (*International Human Rights* and *European Criminal Law*). In addition, Professor Valsamis Mitsilegas of the Queen Mary University of London will teach as *Copernicus Visiting Professor* in the framework of the courses of *European Criminal Law* and *International Human Rights*.



## Comparative Company Law

first semester

■ Mauricio Troncoso Reigada 40 hours | 6 ECTS credits | 59237

■ **Letizia Gianformaggio Chair 2015/2016**

The course will approach Comparative Company Law in a European perspective. It will address the following topics: (i) formation of companies; (ii) forms of business organisation; (iii) share and loan capital; (iv) management and control; (v) business entities governed by EU Law; (vi) groups of companies; (vii) mergers, divisions, acquisitions and take-overs, and their cross-border aspects.

## European Company Law

second semester

■ Magdalena de Leeuw 40 hours | 6 ECTS credits | 55539

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; (ii) the EU's harmonisation programme, with a discussion of the relevant directives (on disclosure, capital, mergers, cross-border mergers, annual accounts etc.); and (iii) the creation of EU business organisations including the European Company and the European Cooperative 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.

## European Contract Law

second semester

■ Alberto De Franceschi 40 hours | 6 ECTS credits | 59236

The course aims to provide a systematic analysis of European Contract Law, from its roots up to the latest developments. The first part of the course will deal with the sources and principles of European Contract Law and on the relationships between EU Law and the legislation of Member States, the focus being on harmonisation of national laws with a particular attention to business-to-consumer directives and their implementation in the Member States. The second part of the course will address specific issues relating to the formation of the contract and its effects, namely unfair commercial

practices in business-to-consumer contracts and misleading advertising in business-to-business contracts, distance contracts, unfair terms, sale of goods, liability for defective goods, late payments, overbooking and passenger air services. In this context, special attention will be paid to contracts concluded by electronic means as well as to the sale of digital contents both in business-to-consumer and in business-to-business relationships.

## European Criminal Law

first semester

■ **Ciro Grandi**

40 hours | 6 ECTS credits | 55542

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; and (viii) the Treaty of Lisbon: the attribution of (indirect) competence in criminal matters to the EU. A special part of the course will focus on the European Arrest Warrant and EU directives in criminal matters before and after the Treaty of Lisbon.

## European Labour Law

second semester

■ **Silvia Borelli**

40 hours | 6 ECTS credits | 55541

The course will deal with the following topics: (i) geo-political history of Europe after World War II; (ii) evolution of the Treaties until the Treaty of Lisbon and the present situation; (iii) the present financial crisis and its threats to the Union; (iv) the social dimension of the European Union; (v) the Charters of Fundamental Rights; (vi) the Court of Justice, the European Court of Human Rights and the European Committee for Social Rights; (vii) the role of Social Dialogue and collective agreements; (viii) freedom of movement of workers and citizens, freedom to provide services and freedom of establishment; (ix) transnational collective agreements; (x) information, consultation and workers participation; (xi) crisis of the under-

taking (insolvency of employer; transfers of undertakings; collective redundancies); (xii) health and safety at work; (xiii) working time; (xiv) the principles of equality and non-discrimination; and (xv) atypical workers.

## International Criminal Law

second semester

■ Florian Jeßberger

40 hours | 6 ECTS credits | 59256

■ **Letizia Gianformaggio Chair 2015/2016**

This course will provide an introduction to international criminal law - a relatively new and rapidly expanding area of law, located at the intersection of criminal law and international law. In the first part of the course the following topics will be addressed: (i) the historical development of international criminal law, from the Nuremberg and Tokyo trials against the major war criminals of World War II to the establishment of the two UN *ad hoc* Tribunals for the former Yugoslavia and Rwanda up until the establishment of the International Criminal Court (ICC); (ii) the sources of international criminal law; (iii) the crimes under international law, such as genocide, crimes against humanity, war crimes, and the crime of aggression; (iv) the basic elements of attributing criminal responsibility under international law; and (v) the mechanisms of enforcement with a special emphasis on the ICC on the one hand and the domestic implementation and prosecution of international crimes on the other. In the second part the course will adopt a case-study approach. Students will analyze and present selected jurisprudence of international criminal tribunals. This allows for a more in-depth coverage of specific issues and a critical discussion of recent developments in this area of law.

## International Human Rights

first semester

■ Serena Forlati

40 hours | 6 ECTS credits | 44236

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; and (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 first semester

■ Alessandra Annoni

40 hours | 6 ECTS credits | 55537

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; and (v) the legal order of international organisations.





## International Taxation Law

second semester

■ Marco Greggi

40 hours | 6 ECTS credits | 55540

The course will be divided into two parts. The first part addresses 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 focuses on the OECD and UN Model Conventions. These will be analysed following an article-by-article approach, with emphasis on specific provisions, such as 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 will also deal with the ways and means to prevent double taxation, including the use of tax credit or the exemption mechanism. Eventually, basic tax planning schemes will be introduced to 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 intricate cases of tax avoidance.

## International Trade Law

first semester

■ Magdalena de Leeuw

40 hours | 6 ECTS credits | 55538

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; 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 au droit français

first semester

■ Laurence Klesta

40 hours | 6 ECTS credits | 59277

Le cours a pour objet de poser les bases et d'expliquer les notions fondamentales de la culture juridique française. Il s'agit de découvrir le droit, d'étudier comment fonctionnent les règles de droit à travers la maîtrise d'un langage approprié et de situer le droit français par rapport à d'autres systèmes juridiques en mettant en lumière la signification et la relativité de la règle de droit transalpine. Le cours sera articulé en huit parties: (i) les fondements du droit; (ii) la règle de droit; (iii) les systèmes juridiques; (iv) les sources formelles de la règle de droit; (v) les sources informelles de la règle de droit; (vi) l'application des règles de droit dans le temps; (vii) l'interprétation de la règle de droit; et (viii) l'application de la règle de droit en justice.

## Introduction to Italian Criminal Law second semester

■ Adriano Martufi

40 hours | 6 ECTS credits | 55546

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; and (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 second semester

■ Alberto De Franceschi

40 hours | 6 ECTS credits | 55544

The course provides 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) 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, rules of evidence; *(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, transfer 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; and *(x)* general principles of tort law.

## Introduction to Italian Public Law first semester

■ Sara Lorenzon

40 hours | 6 ECTS credits | 55545

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; and *(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

first semester

■ Pietro Franzina

40 hours | 6 ECTS credits | 52860

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 of private international law and analyses a selection of private international law rules, namely EU rules, particularly in respect of contracts, matrimonial matters, the protection of 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; and (v) international judicial assistance, in particular as regards the taking of evidence abroad in civil and commercial matters.

The Department of Law also offers three foreign legal languages courses open to all students, including incoming exchange students.

## Legal English

first semester

■ Patricia Fiordelmondo

50 hours | 6 ECTS credits | 013934

The course aims to provide an introduction to the use of English as a legal language in national and international legal contexts, while developing a range of language skills, both written and oral/aural at intermediate level, including a strong focus on vocabulary skills and English legal terminology. Variations in legal English in different national contexts and in international and European Union law are introduced. Lessons are based on consultation of a range of original texts in English from both national (common law) and international legal orders, with particular emphasis on sources of law (constitutions, legislation, treaties), terminology and legal culture; 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) English in legal contexts; (ii) the language of a legal system (focus on the UK constitution); (iii) the European dimension and human rights (focus on international treaty law,

the European Union, the European Convention on Human Rights); and (iv) the language of criminal law and human rights.

## Advanced Legal English

second semester

■ Alison Riley

50 hours | 6 ECTS credits | 55793

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; and (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.

## Legal Spanish

second semester

■ Juan Ventura Figueroa

40 hours | 6 ECTS credits | 54588

El curso tiene por objeto una introducción a la lengua española jurídica y al ordenamiento jurídico-político español, con particular atención a los textos fundamentales, la terminología, y otros aspectos de la cultura jurídica hispánica. Las clases se impartirán en español, así como los textos y materiales utilizados durante el curso. Los objetivos del curso son la adquisición de conocimientos lingüísticos de español jurídico y de la comprensión de los elementos constitutivos básicos del ordenamiento jurídico y político en España, a través del estudio de una gran variedad de textos jurídicos y con especial

atención al estudio del léxico especializado. Los temas a tratar serán los siguientes: (i) el lenguaje jurídico como lengua de especialidad: el español jurídico; (ii) documentación jurídica española; (iii) la Constitución Española; (iv) el sistema político y la acción legislativa; (v) organización territorial: las Comunidades Autónomas; (vi) la organización judicial: los tribunales en España; (vii) textos jurídicos: la instancia, el recurso y la sentencia.



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