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Erasmus Intensive Course – Law Faculty of Lisbon University

Introduction to European Private Law - From national rules on Contract and Tort to supranational European Union Obligation Law

Course syllabus

Class 1

Introduction: Differences of national private laws in Europe / legal families / Selected examples from Common Law and Civil Law; the problems of diverging legal rules within the EU (hindrance to the internal market)

Class 2

Approximation of Private Law: Competences of the EU in general (types, exercise); competences executed (to harmonise legal rules); instruments of EU-law (Directives; Regulations)

Class 3

Traditional European Contract Law: Harmonization by directives (Contracts, national and international civil procedure, corporations, conflict of laws); Example: Unfair Contract Terms Directive 93/13/EEC / Consumer Sales Directive

Class 4

A new Strategy: Development, format and functions of the (Draft) Common Frame of Reference/DCFR; Structure and contents of the DCFR; the Four Basic Principles and the General Part of the DCFR; Further concepts: Proposal of a Common European Sales Law (CESL) / Revival: Two new Directives (on Contracts for Online and other Distance Sales of Goods EU 2019/771 and Contracts for the Supply of Digital Content EU 2019/770)

Class 5

Unified EU Principles on Contracts and Tort: DCFR Book IV.A “Sales” and Proposal of Common European Sales Law (CESL) compared to CISG; Principles of European Tort Law (PETL) vs. DCFR Book VI “Noncontractual liability arising out of damage caused to another“

Reading List

- Antoniolli/Fiorentini* (Eds), A factual assessment of the draft common frame of reference (2011)
- Bussani/Werro* (Eds), European Private Law: A Handbook Vol I (2009) / Vol. II (2014)
- Bogdan / Maunsbach*, EU Private International Law: An ECJ Casebook, 2nd ed. (2012)
- Cafaggi / Muir-Watt* (Eds.), Making European Private Law – Governance Design (2008)
- Hartkamp/Hondius* (Eds), Towards a European civil code, 4th ed. (2011)
- Howells/Schulze* (Eds), Modernising and Harmonising Consumer Contract Law (2009)
- Koziol*, Harmonisation and fundamental questions of European Tort Law (2017)
- Micklitz*, Understanding EU consumer law, 2nd ed. (2014)
- Micklitz/Cafaggi* (Eds), European Private Law after the Common Frame of Reference (2010)
- Moccia* (Ed), The making of European private law: why, how, what, who (2013)
- Larouche* (Ed), Economic analysis of the DCFR - The work of the Economic Impact Group within CoPECL (2010)
- Sagaert / Storme / Terryyn* (Eds), The Draft Common Frame of Reference: national and comparative perspectives (2013)
- Schulze* (Ed.), Common Frame of Reference and Existing EC Contract Law, 2nd ed. (2009)
- Schulze / Schulte-Nölke* (Eds.), European Private Law – Current Status and Perspective (2011)
- Schulte-Nölke/Tichy* (Eds), Perspectives for European Consumer Law - Towards a Directive on Consumer Rights and Beyond (2010)
- Sammut*, Constructing Modern European Private Law: A Hybrid System (2016)
- Twigg-Flesner* (Ed), European Union Private Law (2010)
- Vranken*, Fundamentals of European Civil Law, 2nd ed. (2010)