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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

Articles

Hesselink, The Common Frame of Reference as a Source of European Private Law,
83/4 Tulane Law Review (2008) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1270

Johnston/Unberath, European private law by directives: Approach and challenges,
in: *Twigg-Flesner* (Ed), European Union Private Law (2010), Ch. 7

Manko, EU Competence in Private Law: The Treaty Framework for a European Private Law and
Challenges for Coherence, Brussels: European Parliamentary Research Service, 2015
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2553945

Micklitz/Reich, The Commission Proposal for a “Regulation on a Common European Sales Law
(CESL)”
https://cadmus.eui.eu/bitstream/handle/1814/20485/LAW_2012_04_ERPL_03.pdf;sequence=3

Books (Additional Reading)

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/Twigg-Flesner/Wilhelmsson, Rethinking EU Consumer Law (2018)

Kozioł, Harmonisation and fundamental questions of European Tort Law (2017)

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 (2010)

Reich/Micklitz/Rott/Tonner, European Consumer Law, 2nd ed (2014)

Sagaert / Storme / Terry (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)

Van Calster, European Private International Law (2021)