

**UNIVERSITY OF TRENTO
FACULTY OF LAW
TRENTO (ITALY)
A.Y. 2002/2003**

ON-LINE SERVICES

The Faculty of Law's WEB PAGE can be consulted at the following address:

<http://www.jus.unitn.it/>

The web page is one of the new services provided by the Faculty for its students.

Other services:

ANNOUNCEMENTS: general, lecturer reception hours, examinations, notices

COURSES: lecture timetables, course materials

GUIDE: on-line version of this guide

STUDENTS: services for students (announcements, scholarships, postgraduate courses, internships, on-line jobs, portable PC loan service, etc.)

THESES: Lists of graduation theses

ERASMUS-SOCRATES: Web page maintained by the Erasmus Law Bureau of the Faculty of Law

The web page is updated by the Faculty Secretariat. Technical support is by the *Presidio Informatico* of the Faculty.

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Minor changes to the information given by this publication may occur.

In order to check them, see the web page: <http://www.jus.unitn.it/faculty/guide>

GENERAL INTRODUCTION

ECTS and

the Faculty of Law - University of Trento

This information package describes the University of Trento and the courses offered by the Faculty of Law, the purpose being to help the prospective ECTS student prepare for his/her study period in Trento.

What is ECTS?

ECTS, the *European Community Course Credit Transfer System*, was developed by the Commission of the European Communities in order to provide common procedures to guarantee academic recognition of studies abroad. It provides a way to measure and compare learning achievements and transfer them from one institution to another.

The ECTS system is based on the principle of mutual trust between the participating higher education institutions. The few rules applied by ECTS, which concern *Information* (on courses available), *Agreement* (between the home and host institutions) and the *Use of Credit Points* (to indicate student workload) are intended to reinforce this mutual trust and confidence. Each ECTS department describes the courses that it offers in terms not only of content but also of the credits awarded for each course.

The pilot scheme

ECTS is currently being tested as a pilot project within the ERASMUS programme (*European Community Action Scheme for the Mobility of University Students*).

The pilot scheme operates in five subject areas (Business Administration, Chemistry, History, Mechanical Engineering and Medicine) and involves 145 higher education institutions in all EC Member States and EFTA countries, each of them with one faculty or department. The Faculty of Law, University of Trento has been selected by the Commission of the European Communities to participate in the pilot scheme in the field of Law.

The ECTS credits

ECTS credits are a value allocated to course units to describe the **student workload** required to complete them. They reflect the **quantity** of work that each course requires **in relation to** the total quantity of work required to complete a full year of academic study at the institution, that is, lectures, practical work, seminars, private work – in the library or at home – and examinations or other assessment activities. ECTS credits express a **relative value**.

In ECTS, 60 credits represent the workload for a year of study; 30 credits are normally awarded for a semester and 20 credits for a term. It is important that special courses are

not set up for ECTS purposes, but that all ECTS courses are mainstream courses delivered by the participating institutions to home students under normal regulations.

It is the task of the participating institutions to allocate credits to courses. Work placements and optional courses forming an integral part of a course of study also receive academic credits. Work placements and optional courses which do not form an integral part of a course of study do not receive academic credits. Non-credit courses may, however, be mentioned in the transcript of records.

Credits are awarded only when the course has been completed and all the required examinations have been taken successfully.

Participating Institutions

The following institutions participate in the subject area of Law :

- A** University of Salzburg
- B** Universitaire Instelling Antwerpen
Université de Liège
- D** Universität des Saarlandes
Universität Trier
Europa Universität Viadrina Frankfurt an der Oder
Georg August Universität Göttingen
Ernst-Moritz-Arndt-Universität Greifswald
- G** Aristotle University of Thessaloniki
- E** Universidad de Alcalá de Henares
Universidad de Castellón de la Plana
Universidad de Salamanca
Universidad del País Vasco
Universidad de Huelva
Universitat Rovira i Virgili -Tarragona-
- F** Université de Nancy II
Université Montesquieu-Bordeaux IX
- HU** University of Budapest
- I** Università degli studi di Trento
- NL** Rijksuniversiteit Limburg
Erasmus Universiteit Rotterdam
- P** Universidade Católica Portuguesa
Universidade de Coimbra
Universidade Nova de Lisboa
- S** University of Lund
University of Uppsala
- SF** University of Turku
- UK** University of Lancaster
University of Huddersfield

CH

Université de Lausanne

SECTION A

GENERAL INFORMATION

THE UNIVERSITY OF TRENTO

via Belenzani 12

38100 Trento

Italy

Telephone: 39-0461-881111

Telefax: 39-0461-881299

Rector: prof. Massimo Egidi

1. Key and map

University of Trento

1. International Relations Office (Ufficio Rapporti Internazionali), via Verdi 12
2. Rector's Office (Ufficio Rettore), via Belenzani 12
3. Students' Office (Segreteria Studenti), CIAL, CISTI via Inama 1
4. SOCRATES-OFFICE, Via Verdi 8
5. Sociology, via Verdi 26
6. Economics, via Inama 5
7. Law, via Verdi 53
8. Humanities and Philosophy, via S. Croce 65
9. Engineering, Mesiano
10. Sciences, Panté di Povo
11. Opera Universitaria, via Tommaso Gar

Cafeterias

12. University cafeteria, S. Chiara, via S. Croce 65 - Trento - Faculty of Letters
13. University cafeteria, via XIV Maggio 15 - Trento
14. University cafeteria Faculty of Sciences, Povo
15. University cafeteria, Tommaso Gar Trento
16. University cafeteria Faculty of Engineering, Mesiano

Student halls of residence

17. Men's hall of residence, via Lampi 9

Useful addresses

18. Auditorium, via S. Croce 67
19. Provincia, piazza Dante 15
20. Regione, piazza Dante 16
21. Trento municipal offices, via Belenzani
22. Tourist Board, via Romagnosi 11
23. U.S.L. (health centre), piazza Venezia 41 (for your E 111 form)
24. Carabinieri, via Barbacovi 24
25. Questura (police station), piazza della Mostra
26. Swimming pool, via Fogazzaro
27. City library, via Roma 51

1.1. The city of Trento

Altitude: 191 metres a.s.l.

Postal code: 38100

Telephone code: 0461

Trento is the capital of the Autonomous Province of Trento (part of the Trentino-Alto Adige/Südtirol Region) and the centre of government administration for the area.

Situated on the Adige river and surrounded by high mountains, notably Bondone and Paganella, the city of Trento is the meeting-point of various valleys and stands on the main roads that lead from Lake Garda, Verona and Venice up to the Dolomites and the Brenner Pass.

A city of many towers and spires, of austere appearance but hospitable and friendly, with a rich heritage of Romanesque, Gothic, Renaissance and Baroque art and architecture, Trento was the capital of the ruling Prince Bishop for more than 800 years and, from 1545 to 1563, the site of the important Council of Trento.

The city, with its numerous and many organizations promoting the arts and research, is a major centre for tourism in the surrounding province of Trentino.

In every season Trento is certainly worth the journey for those in search of history, art, architecture, or wishing to enjoy its splendid historic centre, its surrounding hillsides dotted with villas and vineyards, its cuisine, its excellent wines, and the warmth of its people.

In spring and autumn the city hosts a number of important cultural and musical events: the International Mountain Film Festival, the Feste Vigiliane, the Autunno Trentino, Trento Cinema and the 900 Music Festival.

Mount Bondone, rising midway between Lake Garda and the rugged Dolomites, is a fully-equipped tourist resort. After only a half-hour drive from the city, summer visitors can enjoy walks and mountain excursions in alpine environment of green woods and pasture with an astonishing variety of mountain flora. In winter, Bondone offers skiers a well-designed system of downhill slopes and cross-country tracks at every level of difficulty and all with spectacular views of the Brenta Dolomites.

1.2. How to reach Trento

By car: along the A22 Brenner motorway and the S.S. 22 main road. Other roads converge on Trento from Brescia along the western side of Lake Garda, and from Verona along its eastern side; from Milan to S.S. 42 over the Tonale and the Mendola passes; from Venice along the Valsugana; from Vicenza via Rovereto (S.S. 46).

By train: the Brenner railway and the Valsugana railway from Venice.

By air: airports at Verona (90 km), Venice (153 km) and Milan (231 km). For the moment Trento Airport can only handle light aircraft.

1.3. Useful Information

Hospitals: Ospedale Santa Chiara, Largo Medaglie d'Oro (tel. 0461/903111)
Ospedale Traumatologico Villa Igea, Via Malta 16 (tel. 0461/903111)
Ospedale S. Camillo, Via Giovannelli 19 (tel. 0561/216111)
Casa di cura Villa Bianca (private clinic), Via Piave 78 (tel. 0461/916000)

Police Station: Passports, residence permits, etc. Piazza della Mostra (tel. 0461/986113)

Railway Station: Travel information, Piazza Dante (tel. 0461/234545)

Coaches: Bus station, Via Pozzo (tel. 0461/983627)
Taxis (tel. 0461/986090)

Library: City Library, via Madruzzo 26 (tel. 0461/235034)

Main Cultural Institutions and Events:

- American University (Washington D.C.) Graduate Research Center of Europe, via Rosmini 27
- Istituto Trentino di Cultura, via S.Croce 77 (tel. 0461/980436)
- Istituto di Scienze Religiose
- Istituto per la Ricerca Scientifica e Tecnologica
- Istituto Storico Italo-Germanico
- Museo Tridentino di Scienze Naturali, via Calepina 14 (tel. 0461/270311)
- Società di Studi Trentini di Scienze Storiche, via Petrarca 36 (tel.0461/983388)
- Festival Internazionale del Film della Montagna e dell'Esplorazione
- "Città di Trento", via S. Croce (tel.0461/986120)
- Centro Servizi Culturali Santa Chiara, via S. Croce 67 (tel. 0461/986488)
- Accademia Filarmonica Trentina, via Oriola 12 (tel. 0461/238008)
- Società Filarmonica di Trento, via Verdi 30 (tel. 0461/985244)
- Theatrical season
- Musical season (chamber music, symphony music and opera)
- Film season
- Cineforum (film club)

The city and its surroundings offer a wide choice of hotels, restaurants, pizzerias, trattorias, take-away food outlets, snack bars, agritourism restaurants, fast food outlets, piano bars, and discotheques.

Sports Facilities in and near Trento:

Stadium, football pitches, tennis courts, baseball and softball pitches, athletics tracks, ice skating arena.
 Airport (gliding).
 Sports centres, horse-riding stables, swimming pools, shooting ranges, archery ranges.
 Marked routes for walkers, horse-riders and mountain bikers.
 Orienteering.
 Water sports centre (Lake Caldonazzo).

Newspapers: Two daily newspapers are published in Trento (*l'Adige* and *Trentino*) as well as fortnightly magazines and journals.

University Newsletters: *Studiare a Trento* (monthly editions in English and German).
 UNITN.

2. The ECTS and SOCRATES coordinators

SOCRATES Delegates: Prof. Giuseppina Orlandini
 Dipartimento di Fisica
 Località Povo 38050 Trento
 Tel. 39 - 0461 - 881578
 Fax 39 - 0461 - 881636
 e-mail: orlandini@science.unitn.it

Institutional ECTS Coordinator: Prof. Giuseppe Folloni
 Dipartimento di Economia
 Via Inama, 1 38100 - Trento

Tel. 39 - 0461 - 882226
Fax: 39 - 0461 - 882222
e-mail: gfolioni@gelso.unitn.it

Departmental ECTS Coordinator: Prof. Emanuele Cusa and Prof. Carlo Casonato
Facoltà di Giurisprudenza
Via Verdi n°53 38100 - Trento
tel.: 39 - 0461 - 883876 - 883878
fax: 39 - 0461 - 881899
e-mail: antoniolli@jus.unitn.it

SOCRATES Office:
Dr. Patrizia Paoli tel. 39 0461 882902
Mrs. Lucia Gadotti tel. 39 0461 882909
Mrs. Silvana Mongioj tel. 39 0461 882908
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address: Ufficio Socrates Erasmus
via Verdi n°8 - 38100 Trento
e-mail: socrates@risc1.gelso.unitn.it

3. Academic Calendar a.y. 2002/2003

Classes (1 st semester)	September 23, 2002 - December 21, 2002
Winter Vacation	December 23, 2002 - January 6, 2003
Winter examinations	January 7, 2003 - February 28, 2003
Classes (2 nd semester)	March 3, 2003 - June 7, 2003
Spring Vacation	April 17, 2003 - April 23, 2003
Summer examinations	June 9, 2003 - July 31, 2003
Autumn examinations	September 8, 2003 - September 19, 2003

4. General Description

The University of Trento is one of the youngest Italian universities. In 1962 the Autonomous Province of Trento founded the *Istituto Superiore di Scienze Sociali* with the purpose of "promoting the progress of the social sciences and providing the scientific knowledge and methodological skills required by those embarking on careers in teaching, scientific research, or activities and professions which require an academic background in the social disciplines".

In 1972 the *Istituto Superiore di Scienze Sociali* became the *Libera Università degli Studi di Trento* (D.P.R. 31 October 1972 no. 974). The University now had a Faculty of Mathematical, Physical and Natural Sciences (awarding degrees in Mathematics and Physics), and a Faculty of Economics (awarding degrees in Political Economy and Business Studies).

Diploma course in Engineering for the Environment and Resources
Diploma course in Information Engineering and Automatic Systems
Diploma course in Material and Industrial Technologies

Faculty of Humanities and Philosophy

Degree course in Humanities
Degree course in Foreign Languages and Literature

Faculty of Law

Degree course in Law

Faculty of Economics

Degree course in Economics and Business Studies
Degree course in Political Economy
Diploma course in Statistics

4.2. Research

Research work in the University of Trento is co-ordinated by a special commission and conducted in eleven Departments.

- Department of Physics
- Department of Mathematics
- Department of Economics
- Department of Information Technology and Business Administration
- Department of Social Policy
- Department of Social Theory, History and Research
- Department of Legal Sciences
- Department of Philological and Historical Sciences
- Department of Materials Engineering
- Department of Civil and Environmental Engineering
- Department of Structural Mechanics and Design

Research in the University draws on the services of two Interdepartmental Centres, C.I.S.T.I. (*Centro Interdipartimentale per i Servizi Tecnologici ed Informatici*) and C.I.S.C.A. (*Centro Interdipartimentale dei Servizi per il Calcolo Automatico*) for data processing and technical assistance.

The teaching activities of the University's various faculties are supported by the *Centro per l'Apprendimento delle Lingue Straniere* (C.I.A.L.) and the *Centro per l'Educazione Permanente* (C.E.P.).

For the purposes of scientific and cultural co-operation, the University of Trento is a member of the Rector's Conference of the Alps Adria and the Community of the Universities of the Mediterranean.

The University of Trento also participates in the *Consorzio per l'Università a Distanza* and the *Consorzio Interuniversitario per la Cooperazione allo Sviluppo*.

4.3. Language requirements

Foreign students who wish to enrol at the University of Trento must take an Italian language test.

ECTS students are not required to take this test but must possess a knowledge of Italian good enough for them to be able to follow the courses taught at the university.

4.4. Admission to Universities: general requirements for enrolment

Admission to Italian universities is granted only to holders of a "diploma di maturità" from an Italian secondary school. Foreign students, or Italian students from secondary schools abroad, are admitted on the basis of an equivalent qualification.

4.5. Specific requirements for ECTS students

Foreign students on the ECTS programme may attend one or more courses and sit the respective examinations. At the end of the course students may obtain a certificate stating the marks and the credits obtained from the SOCRATES Office. If necessary, the student may ask the lecturer responsible for the course for a written statement attesting to his/her attendance on the course.

Courses and examinations are conducted in Italian. In the second semester many courses will be conducted in English. Students will therefore need to have an adequate knowledge of that language before beginning their courses. Where necessary, students may attend courses offered by the *Centro Interfacoltà per l'Apprendimento delle Lingue* (see § 3.6. sec. B).

ECTS students must arrive in Trento on or by the day fixed by the SOCRATES Office (the date of arrival will be communicated previously) in order to simplify administrative procedures.

5. Accommodation

The SOCRATES Office of the University of Trento helps foreign ERASMUS students to find accommodation. There are two options:

- flats rented from the University of Trento
- flats belonging to the *Opera Universitaria* of Trento.

The choice does not depend on the student but on availability. Prices and conditions vary, but rents are around € 200 per month.

The SOCRATES Office will send all the necessary information to students arriving in Trento through their coordinators. The form for enrolment at the University and for accommodation must be returned to the SOCRATES Office by 30 June 2002. Accommodation is not guaranteed for applications received after this date. At least two weeks before their arrival, ECTS students must contact the SOCRATES Office (tel. 39-0461-882298/882281/882186, fax 39-0461-882297) to confirm their date of arrival.

6. Libraries, student cafeterias and further facilities for students

6.1. The University Library

The University Library is divided among four distinct sites ("poli"):

- the first, located in the university premises at via Verdi 26, contains approximately 189,000 books and 5,192 periodicals on economics, law and sociology. It serves the Faculties of Economics, Law and Sociology.

Opening hours:	Monday to Saturday	8.00 to 23.45
	Sunday	14.00 to 12.30

- The second section is located on the Povo campus and contains around 27,000 books and 1004 periodicals on technical and scientific subjects taught in the Faculty of Mathematics, Physics and Natural Sciences.

Opening hours and loans: Monday to Friday 8.00 to 19.30
 Saturday 8.00 to 12.15

- The library of the Faculty of Letters and Philosophy, via S. Croce 65, contains around 70,870 books and 997 periodicals on the humanities and literature:

Opening hours: Monday to Friday 8.00 to 23.45
 Saturday 8.00 to 20.00

- The fourth section located in the Faculty of Engineering at Mesiano contains around 12,780 books and 699 periodicals on engineering.

Opening hours and loans: Monday to Wednesday 8.00 to 19.30
 Thursday to Friday 8.00 to 19.10

In the summer the library is closed for three weeks for inventory taking and cleaning.

The University Library is connected to the *Catalogo Bibliografico Trentino*, which provides a computer link with the approximately one hundred public and private libraries located in the province.

The University Library has established a network with Italian and foreign libraries which enables it to obtain - usually within one month - books and journals not available in Trento. A fee is charged for this service.

With the assistance of the personnel of the Library Office it is possible to use Internet for on-line consultation of the catalogues of numerous Italian and foreign libraries, access the information services of universities around the world, and read electronic journals. The service is free.

The Internet can also be used to access a number of for-payment data banks.

6.2. *L'Opera Universitaria (The University Guild)*

According to Italian law, services provided for students are not the responsibility of the university but must be administered by a special body set up by local government. At Trento this organization is the *Opera Universitaria*, a legally constituted body administered by its own Council of Administration.

The purpose of the *Opera Universitaria* of Trento is to organize and implement services, both individual and collective, for students enrolled at the University of Trento. It provides refectory and accommodation facilities (cafeterias, lodgings, halls of residence), awards grants and bursaries for study at the university, and any other form of moral and material help that complies with the law and its statute.

The *Opera Universitaria* also runs a student advisory service and organizes leisure activities, a book loan scheme, and other services.

With a view to European unification, European Union programmes and student exchange schemes, the *Opera Universitaria* helps students or groups of students to spend periods of study abroad. The *Opera Universitaria* also supports cultural and sports activities.

The offices of the *Opera Universitaria* in Trento are located at Via Rosmini 70-72, tel. 0461-981440 - 981466. Opening hours to the public are from Monday to Friday, 10.00 to 12.30.

6.3. *Conditions for use of the University cafeterias*

1 cup of espresso coffee	Euro 0,80
1 Italian breakfast (cappuccino and croissant)	Euro 1,85
1 pizza	Euro 7,50
1 soft drink	Euro 2,00
1 dinner in an average restaurant	Euro 20,00
1 cinema ticket	Euro 6,00
1 discotheque ticket	Euro 10,00
1 bus ticket	Euro 0,80
1 monthly bus pass	Euro 15,00
1 newspaper	Euro 0,90

9. Residence permit

All foreigners on Italian territory who are not tourists must obtain a residence permit from the *Questura* (Police Headquarters) in Trento, piazza Mostra. In order to simplify the procedure, the SOCRATES Office, in agreement with the *Questura*, distributes the appropriate forms to students, who must complete them and return them to the *Questura*, which then informs students as to the procedure for collection of their residence permits.

SECTION B

INFORMATION ON THE FACULTY OF LAW

FACULTY OF LAW

Via Verdi 53
38100 Trento
Italy

Telephone: 39-0461-881818/881817

Telefax: 39-0461-881899

E-mail: presidenza@jus.unitn.it

Dean: Prof. Diego Quaglioni

ERASMUS-SOCRATES Coordinator: Prof. Carlo Casonato
Prof. Emanuele Cusa

1. The Faculty

FACULTY OF LAW

Dean: Prof. Diego Quaglioni

Via Verdi, 53 - Trento

tel. 39-0461.881818 - 881807

fax. 39-0461.881899 - 881865

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2. ECTS Departmental Coordinators

ERASMUS-SOCRATES Coordinator: Prof. Carlo Casonato

Prof. Emanuele Cusa

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E-mail: casonato@jus.unitn.it

cusa@jus.unitn.it

3. Description of the Faculty

The 2001-2002 academic year saw implementation of the law reforming the Italian higher education system, which now consists of a three-year degree course followed by a two-year specialist degree course.

The Faculty of Law delivers high quality training which comprises:

- modular courses
- numerous advanced and supplementary courses
- a constantly updated course programme
- the internationalization of syllabuses and the academic staff
- opportunities for student mobility
- excellent training in language and computer skills
- work placements in Italy and abroad.

Since the 2001-2002 academic year, matriculants have been able to choose between two three-year degree courses offered by the faculty:

- Legal Studies
- European and Transnational Legal Studies

The study schedules for the two three-year degree courses share a substantial number of courses for their first two years, while the programme for the third year comprises courses specific to the degree chosen.

Students enrolled at the Faculty before implementation of the reform law may continue with their four-year degrees courses under the previous system, or they may opt (in accordance with Faculty Regulations) to transfer to one of the three-year courses.

Graduates from the three-year degree course may enrol on one of the following specialist degree courses:

- Case Law

- European and International Legal Studies

Study Schedule for the Degree Course in Legal Studies

1st year		credits
<i>1st semester</i>		
Principles of private law		12
Comparative legal systems		12
<i>2nd semester</i>		
Principles of public law		9
Principles of Roman Law (the foundations of European law)		9
Principles of EU law		9
2nd year		credits
<i>1st semester</i>		
Constitutional law		6
Political economy		9
Philosophy of law		9
<i>2nd semester</i>		
Business law		9
History of Italian law or History of modern legal thought		9
International law		9
3rd year		credits
<i>1st semester</i>		
Labour law		9
Administrative law		9
Supplementary examination		6
<i>2nd semester</i>		
Criminal law		9
Procedural law		10
Supplementary examination		6
Choice among: seminars and practical sessions; workshops; traineeships; computer skills; other supplementary examinations		12
Final degree examination		5
Foreign language		5
Second foreign language, computer skills, work placements		10
TOTAL		180

Supplementary examinations: Criminology, Environmental law, Canon law, Ecclesiastical law, Bankruptcy law, International private law, Criminal economic law, Public economic law, Regional law, Trade union law, Transport law, Tax law, History of modern codifications, History of Roman law, History of political doctrines, Tourism law.

Study Schedule for the Degree Course in European and Transnational Law Studies

1st year	credits
<i>1st semester</i>	
Principles of private law	12
Comparative legal systems	12
<i>2nd semester</i>	
Principles of public law	9
Principles of Roman Law (the foundations of European law)	9
Principles of EU law	6
2nd year	credits
<i>1st semester</i>	
European and transnational constitutional law	6
Political economy	9
Philosophy of law	9
<i>2nd semester</i>	
Comparative business law	9
History of Italian law or History of modern legal thought	9
International law	9
3rd year	credits
<i>1st semester</i>	
Labour law (comparative)	9
Criminal law	9
Comparative private law	6
<i>2nd semester</i>	
Principles of legal procedure	10
Administrative law (comparative)	9
Supplementary examination	6
Choice among: seminars and practical sessions; workshops; traineeships; computer skills; other supplementary examinations	12
Final (degree) examination	5
Foreign language	5
Second foreign language, computer skills, work placements	10
TOTAL	180

Supplementary examinations: Criminology, Environmental law, Canon law, Ecclesiastical law, Bankruptcy law, International private law, Criminal economic law, Public economic law, Regional law, Trade union law, Transport law, Tax law, History of modern codifications, History of Roman law, History of political doctrines, Tourism law.

3.1. Teaching System

Each course comprises classroom lectures and tutorials in which the lecturer covers the syllabus leading to the examination.

Some courses also include progress tests; regular attendance on these courses is therefore highly recommended.



Courses are taught in Italian, except for those delivered by visiting professors or foreign guest professors.

3.2. Assessment methods

Each course concludes with an examination. Successful completion of this examination is necessary to qualify for the course credits.

The examination may be written, oral, or both written and oral.

Examination sessions are as follows:

- **summer session** in the months of June and July (there are three *appelli* or examination sittings for each course);
- **autumn session** in the months of September (one *appello* for each course);
- **winter session** in the month of January and February (three *appelli* for each course).

Students failing to pass an examination may re-take it in the following *appelli*.

Students wishing to sit for an examination must enrol (at least four days in advance) on-line or by means of the computer in the Faculty lobby.

Examinations taken will be recorded in the student's *libretto* (booklet) and in the main register. This *libretto* should be returned to the ERASMUS and LINGUA Office before students leave Trento because it will be used to compile the final certificate for the Sending Institution.

3.3. Grading System

Examination results are graded on a scale from 18 to 30. The following table sets out the grading systems used in other countries.

Trento	30	29	28	27	26	25	24	23	22	21	20	19	18	fail
Germany Saarbruecken Europa Insitut	16-18 (18-20)	14-15 (17)	13 (16)	12 (15)	10-11 (14)	9 (13)	8 (12)	7	6 (11)	5 (10)	4			
France	16-20		15	14		13	12	11	10					
Netherlands	9-10			8		7			6					
Portugal (Univers. Católica)	16-20 (15)		15 (14)	14 (13)	(12)	13 (11)	12 (10)	11	10					
Sweden	AB			BA			B							
Finland	3 3-	2.5		2+ 2 ; 2-		1+ 1.5			1					
Austria	1 sehr gut	2		3		3/4			4					
Belgium	16-20		15	14		13	12	11	10					
United Kingdom	first >67%	64- 67%	60- 63%	upper 2 nd 55-59%	50- 54%	lower 2 nd 46-49%	43- 45%	40- 42%	third pass 39%	38%	37 %	36%	35 %	
Greece	9-10			8	7	6			5					

Spain	matricula excellent sobrasal. 9-10			notable 7-8.9		6- aprobat aprobado			5- suspens aprobado					
Valuation	excellent	very good		good		satisfactory			pass					
E.C.T.S.	A	B		C		D			E					

4. Summary table of courses

Credits system for incoming erasmus student (ECTS)

Degree course in Law for the academic year 2002/2003.

COURSE TITLE	TEACHER	SEMESTER	ECTS
Administrative law I	Falcon - de Pretis	I semester	10
Administrative law II	de Pretis	I semester	8
Administrative procedure	Marchetti	II semester	8
Anglo-American law	Ginsburg - Pradi	II semester	8
Bankruptcy law	Montanari	II semester	8
Business law	Zorzi	II semester	9
Business law - advanced course "European law on electronic commerce" (semi-annual)	Zorzi - Pederzini	II semester	4
Business law - advanced course "Commercial contracts" (semi-annual)	Zorzi - Riolfo	II semester	4
Business law - advanced course "Unfair competition" (semi-annual)	Zorzi - Giuliani	II semester	4
Canon law	Maceratini	II semester	8
Civil law	Pascuzzi	II semester	8
Civil law - advanced course (land register law) (semi-annual)	Pellegrini	I semester	4
Civil procedure	Montanari	II semester	10
Common law	Marchetto - Zendri	I semester	8
Comparative administrative law	de Pretis - Marchetti	II semester	8
Comparative and ec anti-discrimination law	Scarponi - Smith - Toniatti	II semester	8
Comparative business law	Zorzi - Pederzini	II semester	9
Comparative civil procedure	Marinelli	I semester	8
Comparative constitutional law	Casonato - Sharpe	II semester	8
Comparative constitutional law on groups and minorities	Toniatti - Duthu - Palermo	II semester	8
Comparative criminal law	Fornasari	I semester	8
Comparative labour law	Fuchs - Bolego	II semester	8
Comparative legal systems	Santaroni	I semester	12
Comparative private law	Bellantuono - Caso	II semester	4
Constitutional law	Toniatti	I semester	6
Criminal business law	Melchionda	I semester	8
Criminal law I	Picotti	II semester	10
Criminal law II	Fornasari - Melchionda	II semester	8
Criminal law and informatics - advanced course (semi-annual)	Picotti	II semester	4
Criminal procedure	Busetto	I semester	10
Criminology	Savona	II semester	8
Criminology - advanced course (semi-annual)	Savona	II semester	4
Domestic and international arbitration law (semi-annual)	Sifford	II semester	4
Ecclesiastical law	Camassa	I semester	8
Environmental law	Lugaresi	I semester	8

European community patent and trademark law – advanced course (semi-annual)	Benussi	II semester	4
European community private law	Benacchio	I semester	8
European community public law	Nesi	I semester	8
European and transnational constitutional law	Toniatti	I semester	6
Financial brokerage law (semi-annual)	Catalano - Sartori	II semester	4
Financial law (semi-annual)	Malagù	II semester	4
General theory of law (jurisprudence)	Manzin	I semester	8
History of canon law (semi-annual)	Maceratini	I semester	4
History of european law – advanced course (semi-annual)	Dilcher	II semester	4
History of italian Law	Rossi	II semester	9
History of modern codifications	Zucchini	II semester	8
History of modern legal thought	Quagliioni	II semester	9
History of political doctrines	Carta	I semester	8
History of political doctrines – ad. course (semi-annual)	Bencivenga	I semester	4
History of roman law	Luisi	II semester	8
International commercial law	Ceccon - Ortino	I semester	8
International law	Politi	II semester	9
International private law	De Cesari	I semester	8
International protection of human rights	Tancredi - Arai	II semester	8
Labour Law	Nogler	I semester	10
Law of cooperatives and non-profit organizations	Cusa	II semester	8
Law of the african countries	Forte - Favali	II semester	8
Law of the eastern european countries	Simons – Dragneva	II semester	8
Law of the german-speaking countries	Reifner-Woelk – Nogler	II semester	8
Law on risk capital companies (semi-annual)	Pederzini	II semester	4
Philosophy of law	Orrù	I semester	9
Political economy	Goglio	I semester	9
Principles of european community law	Benacchio	II semester	6
Principles of private law	Lener	I semester	12
Principles of public law	Zuelli	II semester	9
Principles of roman law	Santucci	II semester	9
Private law and informatics (semi-annual)	Pascuzzi – Caso	II semester	4
Public economic law	Endrici	I semester	8
Regional law and local government law	Florenzano	I semester	8
Roman law	Santucci	I semester	8
Sale of consumer goods (semi-annual)	Zorzi – Corso	II semester	4
Tax law	Magliaro	II semester	8
Tourism law	Busti	I semester	8
Trade union law	Scarponi	II semester	8
Transport law	Busti	I semester	8
FREE COURSES	TEACHER	SEMESTER	ECTS
The bar and professional ethics	de Bertolini	I semester	2
Information technology and legal documentation	Pascuzzi – Rossato	I semester	2
APPLIED WORKSHOPS	TEACHER	SEMESTER	ECTS
Biolaw: the legal issues of bioethics	Casonato – Piciocchi	I semester	2
The municipality and the system of local autonomies	Borgonovo	I semester	3
Applied aspects of administrative procedure	Mastrogostino	II semester	2
The non-legislative functions of the chambers of parliament	Zuelli - Borgonovo	II semester	2
Parasocial pacts	Zorzi - Riolfo	II semester	2

Court of justice case law on social policy	Scarponi - Stenico	II semester	2
Court of justice case law on direct taxation	Magliaro - Conci	II semester	2
Reform of title V of the constitution	Zuelli - Manica	II semester	2
The tools of legal work	Zuelli - Piperata	II semester	1

4.1. Faculty Council

Dean: Prof. Diego Quaglioni

Vice-Dean: Prof. Carlo Zoli

Dean's Council: Prof. Diego Quaglioni, Prof. Carlo Zoli, Prof. Giandomenico Falcon, Prof. Fulvio Zuelli, Prof. Antonio Benacchio, Prof. Gabriele Fornasari, Dr. Erminia Camassa.

Full Professors:

Gian Antonio BENACCHIO
Silvio BUSTI
Daria de PRETIS
Giandomenico FALCON
Gabriele FORNASARI
Ruggero MACERATINI
Maurizio MANZIN
Giuseppe NESI
Luca NOGLER
Giovanni PASCUZZI
Lorenzo PICOTTI
Mauro POLITI
Diego QUAGLIONI
Ernesto Ugo SAVONA
Roberto TONIATTI
Carlo ZOLI
Fulvio ZUELLI

Associate Professors:

Luisa ANTONIOLLI
Paolo CARTA
Carlo CASONATO
Emanuele CUSA
Damiano FLORENZANO
Silvio GOGLIO
Giorgio LENER
Nicola LUGARESI
Barbara MARCHETTI
Alessandro MELCHIONDA
Massimo MONTANARI
Giovanni ORRÙ
Massimo SANTARONI
Gianni SANTUCCI
Stefania SCARPONI
Nadia ZORZI
Giampaolo ZUCCHINI

Researchers

Giorgio BOLEGO
Donata BORGONOVO RE
Erminia CAMASSA
Roberto CASO
Demetrio Nicola LUISI
Alessandra MAGLIARO
Elisabetta PEDERZINI
Andrea PRADI
Jens WOELK

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Luca LOVATO	E-mail: 8672gi@student.jus.unitn.it

4.2. Faculty Members

Full professors

Gian Antonio BENACCHIO
Silvio BUSTI
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Ruggero MACERATINI
Maurizio MANZIN
Giuseppe NESI
Luca NOGLER
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Barbara MARCHETTI
Alessandro MELCHIONDA
Massimo MONTANARI
Giovanni ORRÙ
Massimo SANTARONI
Gianni SANTUCCI
Stefania SCARPONI
Nadia ZORZI
Giampaolo ZUCCHINI

Researchers

Giorgio BOLEGO	Labour law
Donata BORGONOVO RE	Principles of public law
Erminia CAMASSA	Ecclesiastical law
Roberto CASO	Comparative private law
Nicola LUISI	Roman law
Alessandra MAGLIARO	Tax law
Dr. Elisabetta PEDERZINI	Business law
Andrea PRADI	Private law
Jens WOELK	Comparative constitutional law

VISITING PROFESSORS

Criminology – advanced course (semi-annual)

Michael A. DeFeo, Assistant Director, Federal Bureau of Investigation, Kansas City (Missouri-USA)

Comparative administrative law

Alfred C. Aman, Indiana University School of Law (IN)

Anglo-American law

Thomas B. Ginsburg, University of Illinois – Urbana Champaign (IL)

Comparative and European Community anti-discrimination law

Peggie Smith, Chicago-Kent College of Law – Illinois Institute of Technology (IL)

Comparative labour law

Maximilian Fuchs, Katholische Universität Eichstätt-Ingolstadt (Germany)

Comparative constitutional law

Robert J. Sharpe, Judge, Court of Appeal for Ontario (Canada)

Comparative constitutional law and minorities

Bruce Duthu, Vermont Law School – Vermont

Law of the African and Asian countries

David Forte, Cleveland-Marshall College of Law

FULBRIGHT CHAIR 2002-2003

Law of the German-speaking countries

Udo Reigner, Universität Hamburg

European Community law

Mathias Hartwig, Max Planck Institut für Völkerrecht – Heidelberg

Domestic and international arbitration law

Belinda Sifford, Vermont Law School, Vermont (USA)

Law of the Eastern European countries

William Simons, Institute for Eastern European Law and Russian Studies, University of Leyden (Holland)

Rilka O. Dragneva, Institute for Eastern European Law and Russian Studies, University of Leyden (Holland)

Criminal law

Manfred Maiwald, Georg-August-Universität, Göttingen (Germany)

Roman law

Christian Baldus, Universität Köln (Germany)

History of European law

Gerard Dilcher, J. W. Goethe Universität, Frankfurt (Germany)

International protection of human rights

Yutaka Arai, University of Hertfordshire – Faculty of Law (UK)

CONTRACT PROFESSORS

Financial law (semi-annual)

Luca Malagù, legal chambers, Ferrara

European Community industrial law (semi-annual)
Franco Benussi, European Patent Office, Munich

Financial brokerage law (semi-annual)
Giuseppe Catalano, legal chambers in Milan
Filippo Sartori, University of Trento, Faculty of Law

International business law
Roberto Ceccon, legal chambers in Padua
Federico Ortino, European University Institute, Florence

Comparative law on minorities
Francesco Palermo, University of Trento

Civil law (advanced) – Land register law (semi-annual)
Lorenzo Pellegrino, researcher at the University of Trieste, Faculty of Law

Commercial law – advanced course (semi-annual)
Aldo Giuliani, magistrate at the Trento law courts
“Unfair competition”

Commercial law – advanced course (semi-annual)
Gianluca Riolgo, University of Trento, Faculty of Law
“Commercial contracts”

Common law
Giuliano Marchetto, University of Verona, Faculty of Law
Christian Zendri, University of Milan, Faculty of Law

Criminal law on informatics – advanced course (semi-annual)
Giorgio Pica, magistrate at the Trani law courts
Carlo Sarzana di Sant’Ippolito, magistrate at the Court of Cassation, previously President of the Prosecutors Office of the Rome law courts

Economic public law
Giuseppe Piperata, University of Trento, Faculty of Law

Delegate for study schedules	Silvio Busti
Delegate for student guidance	Gianni Santucci
Delegate for the Library Council	Maurizio Manzin
Delegate for disabled students	Donata Borgonovo Re
ERASMUS-SOCRATES, ECTS and Teaching Staff Mobility delegates	Carlo Casonato - Emanuele Cusa
Delegate for the professional traineeship programme	Massimo Montanari
President of the ITMG Centre	Paolo Carta

4.3 FREE COURSES

THE BAR AND PROFESSIONAL ETHICS

Dr. A. de Bertolini (20 h; I semester)

The legal and judicial professions are the natural and ideal careers for the law student. The essential purpose of the Bar, an ancient and necessary institution (examples will be provided by a brief historical survey), is to ensure that every individual is able to exercise his or her right to a defence. This purpose necessarily entails an independent professional order and a system of rules which guarantee the effective and unconstrained exercise of this right. After remaining substantially unchanged for decades, the professional role of the lawyer is now undergoing profound and rapid revision under the influence of economic, political and institutional changes, and not only in Italy. As the European Community system progressively merges with national ones, it has substantially altered the role of the lawyer, imposing a different system for exercise the profession: the free delivery of services and the right of establishment have given rise to the new figure of the European lawyer. Knowledge of and compliance with professional ethics constitute both an essential part of the future professional's training and the essence of the profession. The course will deal with the professional order, which is inseparably linked with principles and rules constituting a code of ethics as a system of rules covering law, moral probity and legal practice. The course will last 20 hours. The schedule and enrolment procedure will be available on-line. Two credits will be awarded for attendance and a paper assessed by the lecturer. Note that one part of the oral examinations for the Italian Bar assesses knowledge of the professional code of ethics.

Suggested reading:

Remo Danovi

- Corso di Ordinamento forense e deontologia, 6st Ed., Giuffrè, 2000
- Corso Deontologico forense, I and II volume, Giuffrè, 1993
- Il pendolo della professione, Giuffrè, 1999
- Codici deontologici, Egea, 2000
- La giustizia in parcheggio, Giuffrè, 1996
- La professione d'avvocato - Testi legislativi e codice deontologico, Giuffrè, 1997

Ettore Randazzo

- Deontologia e tecnica del penalista, Giuffrè, 1997

Consiglio dell'Ordine degli Avvocati di Roma

- Deontologia forense, elaborato della Commissione Deontologica del Consiglio dell'Ordine degli Avvocati di Roma, Roma 1999

Gaetano Visconte

- L'Avvocato e l'Europa, Giuffrè, 1999

Gian Paolo Prandstraller

- Professioni: "terza" parte sociale, Ed. Sapere, 2000

B. Bortolotti, E. Pennarola, S. Sacconi, C. Vaccà

- Le professioni intellettuali tra liberalizzazione e nuova regolazione, Egea, 1999

Cassa Nazionale di Previdenza e Assistenza forense - Censis

- L'evoluzione della Avvocatura fra logica professionale e orientamento al mercato, Il Sole
24 ore, Pirola, 1997

INFORMATION TECHNOLOGY AND LEGAL DOCUMENTATION

Prof. Giovanni Pascuzzi - Dr. Andrea Rossato (20 h) (first semester)

REQUIREMENT

Those attending the course must possess basic computer skills and be able to use an Internet browser.

PROGRAMME: the course divides into three parts:

1. Sources of legal information:

A brief overview of traditional and advanced sources of information for legal practitioners. Discussion will centre on legislation, case law and legal science.

2. Legal databases:

Techniques for consulting legal databases and electronic archives on CD-ROM, in particular:

- on-line databases and CD-ROMs on Italian law
- on-line databases and CD-ROMs on European law
- on-line databases and CD-ROMs on French, German, English, American law

3. Legal information on the Internet:

websites furnishing legal data and practical information for the jurist.

CONTENTS AND PURPOSE OF THE COURSE

The course aims to familiarise students with procedures for consulting the main European legal databases using automatic data search techniques (Boolean operators, channel search, concept search, text search, truncated search, masking techniques)

ORGANISATION

The course will be held in the Faculty's computer rooms, so that the participants can gain hands-on experience of searching for legal data during the practical sessions that alternate with lectures.

SUGGESTED READING

G. Pascuzzi, *Cyberdiritto. Guida alle banche dati italiane e straniere, alla rete Internet e all'apprendimento assistito da calcolatore*, Zanichelli, Bologna, 1995.

Further reading materials will be suggested during the course.

4.4. Applied Workshops

WORKSHOP: “BIOLAW: THE LEGAL ISSUES OF BIOETHICS”

(1° semester)

Prof. Carlo Casonato – Dr. Cinzia Piciocchi

Purpose: The aim of the workshop is to conduct critical examination of the legal problems connected with bioethics.

Content: The course will deal with some of the themes (among them the beginning and end of life) which most clearly illustrate the sometimes conflictual relationship between law and ethics. In order to single out the principles that could provide the basis for systematic and effective legal regulation of bioethical issues, the course will make much use of the comparative method and the interdisciplinary approach. Doctors and ethicists will give talks during the course.

Organisation: The workshop will last 20 hours and will be organised in the form of a seminar. Students will be provided with the materials necessary for their active participation.

Credits: The laboratory carries 2 credits for students enrolled on three-year degree courses, and 0.40 points for those enrolled on four-year degree courses.

WORKSHOP: “APPLIED ASPECTS OF ADMINISTRATIVE PROCEDURE”

(2° semester)

Prof. Franco Mastragostino

Purpose: The workshop is intended for students attending the course on administrative law. It will investigate applied aspects of administrative procedure using a practical approach based on case studies. Its experimental teaching method will consist in illustration of techniques for the drafting of judicial acts (appeals, defence briefs, etc.), which the students will be invited to practise. Students will be expected to take an active part in the workshop by drawing up judicial acts, or by engaging in group tasks decided according to the number of attendees.

Organisation: The workshop will last for a total of 15 hours and will flank the course on administrative procedure.

Credits: The laboratory carries 2 credits for students enrolled on three-year degree courses, and 0.40 points for those enrolled on four-year degree courses.

WORKSHOP: "THE NON-LEGISLATIVE FUNCTIONS OF THE TWO CHAMBERS OF PARLIAMENT"

(2° semester)

Prof. Fulvio Zuelli - Dr. Donata Borgonovo Re

Purpose: The aim of the workshop is to present the complex institutional nature of Parliament, with particular regard to the non-legislative activities that constitute an important but usually little known function of its two Chambers.

Content: The workshop examines the activities of political guidance, control and knowledge-gathering performed by Parliament, doing so in both theoretical terms by analysing the constitutional principles on which those activities are based, and in practical ones by discussing documentary instruments culled from the websites of the two branches of Parliament. Examination of various types of act (motions, questions, agendas) and functional bodies (committees of inquiry) should provide more certain knowledge of the workings of Parliament and a better ability to understand current events.

Organisation: The laboratory lasts for 20 hours and is organised in seminar form. Lectures will be supplemented with searches on institutional websites for material to be discussed in class. Students will also be provided with the materials necessary for personal study and analysis.

Credits: The laboratory carries 2 credits for students enrolled on three-year degree courses, and 0.40 points for those enrolled on four-year degree courses.

APPLIED WORKSHOP: "PARASOCIAL PACTS"

(2° semester)

Dr. Gianluca Riolfo

Purpose: The problem of parasocial pacts is certainly not new. Since the 1930s case law and legal science have concerned themselves with the issues raised by the use of this particular measure, which has always been of great practical importance. After the drafting of the Civil Code, legislators preferred not to regulate the matter, leaving it to the interpreter concerned to devise the forms best suited to the circumstances. This was the case until the 1980s, which saw a proliferation of provisions which, although they did not directly regulate parasocial pacts, began to take consideration of them. The consolidated text of the Financial Act (decree law no. 58 of 24.2.1998) finally took a definite stance on the matter, although unresolved questions with regard to trade-unions still remained.

The law reforming company law has addressed the problem of parasocial pacts by laying down some sort of regulatory framework. Over the years, case law has almost invariably looked with disfavour on parasocial pacts, and in particular on so-called majority vote syndicates. Only in 1995 did the Court of Cassation respond to pressures for change by changing its position. Its ruling on the matter has been followed by court decisions and (very recently) by legitimacy.

Finally, legal science has since the early 1940s been more receptive to the legitimacy and validity of parasocial agreements, an evolution in case law whereby those resistant to them (though still authoritatively sustained) is now in the minority.

Programme: The workshop looks at the interweaving among the three sources of law (case law, legal science and legislation) in attempt to understand the current legal status of parasocial pacts.

To this end it considers:

- the Court of Cassation's rulings on the matter, paying particular attention to the reasons for its change of position (if any);
- the main positions taken up in legal science on the matter, the purpose being to highlight similarities and differences among authors, and the systematic, logical-legal and pragmatic bases for their arguments.
- the main legislative provisions on trade-union agreements, examining in particular the concrete manner in which legislators have dealt with them. Attention will obviously focus on d. lgs. 24.2.1998 no. 58 and also (once the committees concerned have finalised the text to be submitted to the Government) on the law reforming company law.

The workshop will seek to involve students in the search for materials, but its principal feature will be classroom discussion of issues.

Organisation: The laboratory lasts for 20 hours and is organised in seminar form. Active participation by students and their constant attendance will therefore be necessary. The materials suggested during the course will be calibrated according to the number of attendees.

Credits: The laboratory carries 2 credits for students enrolled on three-year degree courses, and 0.40 points for those enrolled on four-year degree courses.

APPLIED WORKSHOP: "COURT OF JUSTICE CASE LAW ON SOCIAL POLICY"

(2° semester)

Prof. Stefania Scarponi – Dr. Eleonora Stenico

Purpose: The substantial body of case law by the Court of Justice on social policy now incorporated into the E.U. Treaty is a major component of European Community labour law – the subject of the faculty courses on labour law and trade-union law – due to its influence on EU law in general and on domestic legal systems. The workshop will examine the role of the Court of Justice from the particular point of view of the ‘creative’ development of the principles of EU law and the dialectic with domestic judiciaries.

Content: The workshop will concentrate on labour case law and the relationship between the Court’s position and domestic systems. It will also examine the argumentative techniques used and their effects, also in the light of the new arrangement defined by the Treaty.

Organisation: The workshop will last for 20 hours and is intended for students who have already attended at least the faculty course on labour law.

After a brief introduction to the Court of Justice’s ‘social’ case law, and the significance of inclusion in the Treaty of Amsterdam of provisions previously set out in the Protocol on social policy, students will examine materials consisting of sentences and trial reports, as well as doctrinal analysis.

The workshop will deal in particular with the principle of equality and non-discrimination in the employment relationship, also with reference to the main aspects of Italian law.

Attendance at the workshop and successful completion of the final examination may count as one module in the course on comparative and EU anti-discrimination law. In this case students will not be awarded credits for the workshop but will be entitled to sit the final examination on completion of the course.

Credits: The laboratory carries 2 credits for students enrolled on three-year degree courses, and 0.40 points for those enrolled on four-year degree courses.

APPLIED WORKSHOP: "COURT OF JUSTICE CASE LAW ON DIRECT TAXATION"

(2° semester)

Dr. Alessandro Magliaro – Dr. Paolo Conci

Purpose: The workshop aims to heighten awareness of the importance of the Treaty of the European Union for tax law.

Content: During the workshop students will present and discuss rulings by the Court of Justice on direct taxation. The Court pronounces on the compatibility of domestic tax law with the provisions of the Treaty on the fundamental freedoms. According to the Court, national legislators may not impose direct taxes with rules that restrict those freedoms.

Organisation: the workshop lasts for 20 hours.

Topics covered:

1. the fundamental freedoms guaranteed by the Treaty; directive 90/435/EEC on the taxation of dividends from companies in different member-states; directive 90/434/EEC on mergers, divisions, exchanges of shares and transfers of assets among companies in different member-states.
2. rulings on direct taxes relative to articles 12, 43, 48 and 56 of the Treaty.
3. rulings relative to directives 90/434/EEC and 90/435/EEC.

Credits: The laboratory carries 2 credits for students enrolled on three-year degree courses, and 0.40 points for those enrolled on four-year degree courses.

APPLIED WORKSHOP: "REFORM OF TITLE V OF THE CONSTITUTION"

(II semester)

Prof. Fulvio Zuelli – Dr. Sandro Manica

Purpose: The laboratory will furnish sound knowledge on the constitutional revision allocating powers to the regions and redefining the relationship between the state and regional governments (Modification of Title V, C4462 – S4809).

Content: After introductory lectures on the procedure regulated by article 138 of the Constitution and the parliamentary process for approval of the law on constitutional revision (currently awaiting referendum), students will be guided through the original constitutional text and the text approved in March 2001.

Organisation: The workshop will last for 20 hours and will take the form of a seminar. Students will be provided with the materials necessary for research on the topic addressed.

Credits: The laboratory carries 2 credits for students enrolled on three-year degree courses, and 0.40 points for those enrolled on four-year degree courses.

APPLIED WORKSHOP: "THE TOOLS OF LEGAL WORK"

(II semester)

Prof. Fulvio Zuelli – Dr. Giuseppe Piperata

Purpose: The workshop will furnish the skills necessary to conduct legal research, particularly in the field of public law. It will teach the correct use of traditional paper sources (collections of laws and court decisions, journals, commentaries) and information technology (databases, on-line journals, institutional websites).

Content: Students often reach the stage of writing their degree theses without even basic knowledge of how to find the legal materials that they require. The plethora of data, information and documents today available in both paper form and on the Internet makes the task of finding and selecting materials even more arduous. Necessary as a consequence are research methods which make more efficient use of the sources available.

Organisation: The workshop lasts for 12 hours. Under the guidance of the lecturers, students will use a variety of instruments to search for documents and materials relative to public law.

Credits: The laboratory carries 1 credit for students enrolled on three-year degree courses, and 0.20 points for those enrolled on four-year degree courses.

5. Faculty ERASMUS-SOCRATES Regulations

The Erasmus-Socrates regulations may be consulted on-line by visiting the Faculty's website at the following address: www.jus.unitn.it/faculty/erasmus-socrates/home.html. Students may consult Prof. Carlo Casonato (casonato@jus.unitn.it) on questions concerning the Erasmus-Socrates Programme and Prof. Emanuele Cusa (cusa@jus.unitn.it) on the recognition of examinations. For other information they may contact the student advisers (erasmus@student.jus.unitn.it) at the Faculty's Erasmus-Socrates website or the Dean's office.

Further information can be obtained from the University Socrates Office - Via Verdi 8, 38100 Trento (socrates@gelso.unitn.it)

6. Other activities

6.1. C.I.A.L. (Interfaculty Centre for Language Learning)

Head: Dr. Elisabetta Rossi

e-mail: cial@gelso.unitn.it

The language courses organized by the C.I.A.L. are of particular importance for students at the Faculty of Law. A good knowledge of languages is obviously indispensable for many of the teaching activities and seminars organised by the Faculty (for example the courses given by some of its visiting professors) and by the Department (lectures and conferences). It is also essential for access to the materials necessary for researching and writing degree theses and for participation in inter-university mobility schemes like the Erasmus Programme.

For the 2002-2003 academic year, the C.I.A.L. will organise courses in English, German, French, Spanish, Russian, Portuguese, Greek, Chinese and Italian as a foreign language. Courses are structured into several levels (elementary, pre-intermediate, intermediate, post-intermediate, advanced 1, advanced 2), to which students are allocated on the basis of a placement test. The dates, timetables and placement tests for courses are posted at the C.I.A.L. and on Faculty notice boards.

The courses offered by the CIAL last approximately 50 hours and are organised into the following modules:

- INTENSIVE COURSES: duration 17 days, with three hours of lessons per day, from Monday to Friday (usually in July and September)
- EXTENSIVE COURSES: lasting 13 weeks, with two-hour lessons twice a week and in two periods of the year: October 2002-February 2003 (first semester), February 2003-June 2003 (second semester).
- SPECIAL COURSES : duration 10 weeks, with two-hour classes twice a week, first and second semester.

Attending students may receive, if requested, an attendance certificate. Students who have passed the final test will receive an attendance certificate with the corresponding grade.

On request by the Law Faculty, CIAL organizes courses in **Legal German** and **Legal English**, as well as a course in **Legal Italian** for foreign students. Also programmed is course in **Portuguese** on which attendance is **compulsory** for students intending to take part in the ERASMUS- SOCRATES programme.

Further information may be obtained from the C.I.A.L. office, via Inama, 1, tel. 0461-8812335

6.2. Legal Computing Laboratory

Lawyers must master and handle much larger amounts of information than in the past. Supranational "normative production", output by Parliament, the exponential growth of case-law, the flood of regulations issued by administrative authorities (the list could

continue indefinitely) compel lawyers to undertake constant documentation and updating.

Traditionally, legal information could be stored and disseminated on paper: books, journals, law reports and so forth. With computer technologies, legal data can now be retrieved from electronic databases whose consultation requires at least some basic computer literacy.

The Faculty of Law has set up a computer laboratory to achieve the following goals:

6.2.1. Computer literacy

Introductory courses in computer use are periodically organised by the Faculty and deal mainly with: operating systems, word processing software, spreadsheets and databases.

6.2.2. Internet access

ERASMUS students are assigned e-mail accounts so that they may maintain contact with their home universities.

Students may use e-mail to contact the teachers whose e-mail addresses appears in this guide.

6.2.3. Information technology and multimedia centre

Committee

Prof. Paolo Carta, Department of Legal Science Representative carta@jus.unitn.it

Prof. Diego Quaglioni, Dean of the Law Faculty quaglioni@jus.unitn.it

Prof. Giovanni Pascuzzi, Director of the Department of Legal Science pascuzzi@jus.unitn.it

Dr. Elisabetta Pederzini, Representative of the Law Faculty Council pederzini@jus.unitn.it

Dr. G. Chiasera, Technical Supervisor, chiasera@jus.unitn.it

Personnel

Dr. G. Chiasera, Technical Supervisor, chiasera@jus.unitn.it

Dr. Paolo Gasperi, Technician, gasperi@jus.unitn.it

Giuseppe Oss, Data Processing Technician, <mailto:oss@jus.unitn.it>

Albert Tyskiewic, Data Processing Technician, <mailto:albert@jus.unitn.it>

Created at the end 1996, the Centre promotes the use of information technology in teaching and research at the Law Faculty and in the Department of Legal Science. It informs students and teaching staff on the opportunities offered by electronic systems for data storage and transmission. It furnishes students with services to facilitate their preparation for examinations (students may enrol for examinations on-line; a system for the automatic revision of study plans with on-line help should become available this academic year) by offering access to legal databases, for which purpose it organises training courses.

The Centre also administers the website for the Faculty and the Department, publicising teaching initiatives, seminars and sites of particular interest to law students. It periodically publishes a Newsletter which can be read at the centre's home page (<http://www.jus.unitn.it>).

It provides students with access to a dedicated network server for e-mail services and personalized web pages, if requested, and supports computer-based projects proposed by students and approved by the Faculty and the Department.

A further service provided by the Centre is the on-line broadcasting of public events (conferences, lectures, seminars) organised by the Faculty and the Department (the relative links are posted on the home page) which are then stored in its on-line audio-visual archive (<http://www.jus.unitn.it/services/arc>).

The Centre administers the Faculty's two computer rooms (70 multimedia workstations) with Internet access and numerous legal CD-Roms. Other workstations are distributed around the various communal areas of the Faculty.

6.2.4 Portable Personal Computer Loan Service

Since 1996 the University of Trento has provided a portable PC loan service to all its students. Together with the PC, students may also borrow CD-Roms which teach the use of the Office suite and the management of electronic mail.

The loan service operates from the Portable PC Loan Office, Faculty of Economics, Via Inama, third floor: 9.00-12.00 (tel. 0461/882301).

6.3. Postgraduate studies

6.3.1. Doctoral Programmes

The research doctorate is the highest academic qualification awarded by Italian universities. Doctoral courses impart and develop research methodologies in the various sectors of scientific training: they are of three-year duration and regular attendance is compulsory.

Admission to doctoral courses is by competitive selection, and at least half the places awarded carry grants allocated according to merit.

The requirements for admission are possession of a degree or an equivalent qualification from a foreign university.

Doctoral courses are announced annually by the university concerned. Doctoral courses may be offered by universities in conjunction with other public institutions or universities and private organisations (consortia).

The doctoral courses scheduled by the Department of Legal Science, on behalf of the Faculty, for the 2002/2003 academic year are the following:

Criminal law

Comparative private law

Fundamental freedoms in comparative and European Community constitutional and administrative law

Historical studies (international doctorate)

The relative notices of competition are published in the *Gazzetta Ufficiale*.

The Department of Legal Science also participates in the following doctoral programmes administered by other universities:

European Community and comparative labour law (University of Ferrara)

Labour law (University of Padua)

Law of computerized administration and public communication (University of Cagliari)

Roman law and European legal culture (University of Pavia)

Philosophy of law (University of Padua)

International organization (University of Teramo)

General and comparative procedural theory (University of Urbino)

Transport of law (University of Udine)

The definitive list of doctoral courses scheduled for the 2002/2003 academic year at the Department of Legal Science will shortly be published on the Internet at: http://ww2.unitn.it/ricerca/dottorati_form_av.html.

For further information contact the Ufficio Dottorati di Ricerca, Via Belenzani 12, 38100 Trento

Dr. B. Carner, tel. ++39/0461.881163; fax: ++39/0461.881128, e-mail: bcarner@amm.unitn.it

Dr. M. Collini, tel. ++39/0461.881165; fax: ++39/0461.881128; e-mail: mcollini@amm.unitn.it

6.3.2. Advanced Course In European And Transnational Law

The full enforcement of the freedoms of movement, establishment and service of lawyers within the European Union poses a number of problems, both legal and educational, in the programming of graduate and postgraduate studies.

The **undergraduate training** provided by the Faculty of Law of the University of Trento, and its educational and scientific organisation, have always been geared not only to imparting a comparative approach to legal science but also to furnishing the methodological and scientific bases for a career in Europe.

Accordingly, the Law Faculty of Trento also offers a **postgraduate programme** of specialised professional training for graduate students with specific regard to the field of comparative legal studies, particularly in European and transnational law.

Since the 1994-1995 academic year, the Advanced Course in European and Transnational Law has been organised with the support of the Autonomous Region of Trentino-Alto Adige, the Autonomous Province of Trento and other national and foreign institutions in order to train a new generation of European professionals.

The course, to be held from March to June 2003, will consist of lecture modules on specialist topics, exercises in legal argument, and the drafting of judicial documents in the areas of comparative public, private and criminal law, EC law and international law. The course also covers the use of legal databases and provides language instruction in legal German and English.

On conclusion of the course, and depending on availability, students may undertake work placements American or European law firms, in national, European or international institutions or in companies.

Course Director: Prof. Giandomenico Falcon

Secretary: Dr. Loredana Giacomelli

E-mail: giacomelli@jus.unitn.it

6.3.3. Postgraduate School For The Legal Professions

In the 2001-2002 academic year, the Faculty of Law instituted a Postgraduate School for the Legal Professions on the basis of a covenant with the Faculty of Law of the University of Verona. The School is administered jointly by the Faculties of Law of Trento and Verona, together with representatives from the Bar and the professional orders, and it is intended for graduates in law.

The School is a prestigious undertaking for the two Faculties of Law. Its purpose is to complete undergraduate studies by providing specialist training for graduates intending to enter the three legal professions (lawyer, magistrate, notary).

The School is therefore intended to be a continuation of the degree course in law, providing specialist case-based training and preparation for the professional examinations. This continuity accounts for the duration of the School, which for graduates from four-year degree courses is biennial, while for future graduates from five-year degree courses it will be of annual duration.

Director: Prof. Carlo Zoli
Secretary: Dr. Cinzia Baldo
e-mail: scuolaforense@jus.unitn.it

MASTER IN ELECTRONIC COMMERCE LAW

The master course in electronic commerce reflects the Trento Law Faculty's continuing emphasis on subjects which stand at the crossroads between law and information technology. The success of numerous teaching initiatives on these matters organised in the past ten years, as testified by past participants and visitors to the Faculty website, has prompted the decision to institute a postgraduate course, especially in view of the great changes wrought by digital technologies in the legal professions and the need to develop the specialist skills required to cope with those changes.

The Master course caters to this need by concentrating on the circumscribed but highly significant sector of electronic commerce. In its multiple forms (business-to-business, e-procurement, business-to-customer, etc.), electronic commerce affords a significant opportunity to acquire the knowledge and methodologies required to deal with the typical legal problems of the digital age. Issues like dematerialization or the difficulty of applying legal sanctions in the a-territorial domain of the Internet will be addressed with particular regard to the sale of products and the delivery of services on-line.

The aim of the course is to impart the knowledge and techniques that will enable students to handle the manifold legal aspects of electronic commerce, concentrating in particular on the practical application of cognitive contents.

Graduates from the course will be qualified for employment in legal firms, business operating in the information technology and telecommunications sector, traditional companies planning to expand on the web, trade associations delivering legal services on electronic commerce, and the civil service.

The Master course is also addressed to private or company lawyers wishing to update their knowledge in the specific sector of e-commerce, and also to business persons intending to use the Internet to sell products or services.

SECTION C

COURSE PROGRAMMES

ADMINISTRATIVE LAW I

Prof. Giandomenico Falcon - Prof. Daria de Pretis

REQUIREMENTS

Students should have acquired a working knowledge of the basic concepts of private law and of public law from the relative courses, with particular regard to the sources of law and the institutions of the Republic.

PROGRAMME

The course is divided into three parts. The first considers the reasons for the existence of administrative law as a body of legal principles and rules distinct from private law. The second part of the course investigates administrative procedure and the decision-making process. The third part divides among the following topics, according to the degree course:

a. Four-year degree:

Protection against administrative abuses, with particular reference to jurisdiction.

b. Three-year degree in Legal Studies

Public contract procurement.

c. Three-year degree in European and Transnational Legal Studies

Administrative procedure in comparative European law.

Lectures will be flanked by seminars dealing with specific subjects in more detail. Students will give papers, and they will be assessed on completion of the seminars. The subject matter of the seminar course will not be part of the final examination.

For the final examination students will be expected to demonstrate their knowledge of the main administrative laws and statutes covered by the course or by the suggested reading matter.

SUGGESTED READING

a. Four-year degree course

Diritto amministrativo, MAZZAROLLI - G. PERICU - A. ROMANO- F.A. ROVERSI MONACO - F.G. SCOCA (eds), Monduzzi, Bologna, 1998,

vol. 1, with reference to:

Part 1 - Chaps. IV, V (except sections 11 to 16)

Part 2 - Chaps. VI, VII, IX (except section 1)

Part 3 - Chap VIII (except section 5)

vol. 2, with reference to:

Part 4 - Chaps. I, II, III, IV (except sections 3, 4 and 6); Chap. V.

Part 5 - Chaps. I, II (except sections 1 and 2), III, V, VI, VII.

or:

V. CERULLI IRELLI, *Corso di diritto amministrativo*, Giappichelli, Torino, 1997, all chapters.

Diritto amministrativo, L. MAZZAROLLI - G. PERICU - A. ROMANO- F.A. ROVERSI MONACO - F.G. SCOCA (eds.), volume 2, *Part V* (administrative justice), Chap. I, II (except sections 1 and 2), III, V, VI, VII.

or:

D. SORACE, *Diritto delle amministrazioni pubbliche*. Una introduzione, Il Mulino, Bologna, 2000, all chapters.

Diritto amministrativo, MAZZAROLLI - G. PERICU - A. ROMANO- F.A. ROVERSI MONACO - F.G. SCOCA (eds), Monduzzi, Bologna, 1998,

vol. 1:

Part 2 - Chaps. IX, X

vol. 2:

Part 4 - Chaps. IV, V

Part 5 - Chaps. I (except sections 1 and 2), III; IV, V, VI, VII

b. Three-year degree course in Legal Studies

V. CERULLI IRELLI, *Corso di diritto amministrativo*, Giappichelli, Torino, 1997, all chapters.

Diritto amministrativo, MAZZAROLLI - G. PERICU - A. ROMANO- F.A. ROVERSI MONACO - F.G. SCOCA (eds), Monduzzi, Bologna, 1998,

vol. 1:

Part 2 - Chaps. IX, X

vol. 2:

Part 4 - Chaps. I, II, III, IV (except sections 3, 4 and 6), V

c. Three-year degree course in European and Transnational Legal Studies

D. SORACE, *Diritto delle amministrazioni pubbliche*. Una introduzione, Il Mulino, Bologna, 2000, all chapters.

M. P. CHITI, *Diritto amministrativo europeo*, Milan, Giuffrè, 1999, pp. 301-361.

Other reading materials will be suggested during lectures.

ADMINISTRATIVE LAW II

Prof. Giandomenico Falcon – Prof. Daria de Pretis

PREREQUISITES

Students must have already attended the compulsory course on Administrative Law I.

LEARNING GOALS

Knowledge of substantial and procedural administrative law is required.

PROGRAMME

The course develops the themes already addressed in Administrative Law I using a case-law approach. It deals with town-planning law and in particular with the town-planning system and licences, planning authorities, the relations between urban law and other sectors of territorial governance and between town-planning law and property rights. Particular attention will be paid to recent phenomena like public contract procurement and new models of plan implementation.

The second part will deal with public services, considering their definition and organisation, and focusing on local public services and the Community influence thereon, while the third part dwells on the contracting activities of the public administrations, considering the procedure and the objective and subjective application, as well as the European Community's influence on public procurements.

The emphasis will also be on analysis of the practical aspects of the application of administrative law, these being addressed in the light of case law and of the notions acquired during Administrative Law I.

Considering the topics covered, some parts of the course will take the form of seminars, during which attending students will be expected to present written papers. An assessment test will conclude the course.

The course is part of the Faculty's general programme of administrative studies.

SUGGESTED READING:

Attending students should prepare their lesson notes and the reading materials announced during the course.

Non-attending students should prepare the following texts:

F. SALVIA and F. TERESI, *Diritto urbanistico*, 6th ed., Padova, 1998, pp.1 – 260 e 303 – 317.

and

SORACE, C. MARZUOLI, A. CORPACI, *Materiali del diritto amministrativo*, Cedam, 3^a ed., Padova, 2000 (only one of the following parts: Parte II - *Principi e problemi*, only pages 123-275; Part III - *La giustizia amministrativa*, only pages 281-406, also judgement Cass., S.U. 500/1999 at page 244).

Diritto urbanistico can be replaced with:

A. MAZZAROLLI, *Piano regolatore generale*, Digesto IV delle discipline pubblicistiche
V. ANGIOLINI, C. MARZUOLI, A. ROCCELLA, D. SORACE, A. TRAVI, *Materiali per un corso di diritto urbanistico*, Giappichelli, 2nd ed., Torino, 1996 (only sections I, II, IV and VII).

ADMINISTRATIVE PROCEDURE

Prof. Barbara Marchetti

PREREQUISITES:

Students will be expected to have acquired the basic notions of administrative law and the administrative justice system.

PROGRAMME:

The subject of the course is the Italian system of administrative procedure, its institutes and substantive premises. The aim is to equip students with theoretical and applied knowledge of the machinery of administrative judicial protection.

The course will take the form of a series of seminars, with active participation by students in classroom discussion, written papers, and group tasks decided according to the number of attendees.

As regards content, the course will examine the structure and function of administrative procedure analysed in the light of the influence of EC law and recent provisions redefining the jurisdiction and powers of the administrative courts. It will dwell in particular on the changes made to administrative procedure by law no. 205 of 2002, the new provisions on administrative actions, protective custody and adjudications. Once the theoretical framework has been established, the various institutions of administrative procedure will be analysed in terms of case law and its evolution.

As part of the course, Prof. F. Mastragostino will conduct an applied workshop on judicial acts and drafting techniques for judicial proceedings.

For attending students the examination may take the form of an oral interview following one or more practical tests.

SUGGESTED READING:

A. TRAVI, *Lezioni di giustizia amministrativa*, 4th ed., Giapichelli, Turin, latest edition.

ANGLO-AMERICAN LAW

Prof. Thomas B. Ginsburg – Dr. Andrea Pradi

PROGRAMME:

The course examines the basic structure of the family of common law systems with regard to its development, sources and judge-made law. The first part of the course will deal with the institutional features of the English and the American legal systems – from a comparative point of view as well. Given the plethora of material, the course will concentrate on salient aspects of common law systems in order to familiarise students – through study of some rules and institutions peculiar to the common-law tradition – with working methods and legal techniques that, despite numerous functional similarities, are very different from those of civil law systems. Comparative analysis of themes pertaining to the area of private law will assist understanding of the similarities and differences between the two systems. For this purpose, this part of the course will cover the basic notions of legal research (use of West-Law, Lexis and other databases) so that students may acquire the essential tools for analysis of common law systems and their operational rules. Attendance on the course presupposes a working knowledge of the family of common-law systems as well as familiarity with comparative methodology acquired from the course on comparative legal systems. A good passive knowledge of English (i.e. reading, comprehension and writing) is required for the first part of the course.

The second part of the course will be taught by Professor Thomas Ginsburg from the University of Illinois College of Law, Urbana Champaign, Illinois. This part of the course will require a good passive knowledge of English.

SUGGESTED READING:

Attending students:

Course materials will be announced in class.

Non-attending students:

U. MATTEI, *Common law: il diritto anglo-americano*, Torino, UTET, 1992

G. GILMORE, *Le grandi epoche del diritto americano*, Milano, Giuffrè, 1988

G. Alpa, M.J. Bonell, D. Corapi, L. Moccia, V. Zeno-Zencovich, *Diritto privato comparato*, Bari-Roma-Laterza, 1999, ad esclusione dei capitoli I (pp. 3-33) e V (pp. 283-336).

BANKRUPTCY LAW

Prof. Massimo Montanari

The purpose of the course is to provide a 'horizontal' overview of bankruptcy law and its procedures, their structure, and, their differences and similarities. With regard to bankruptcy, composition with creditors, controlled administration, and the compulsory winding-up of insolvent large firms, the topics analysed will be the following:

- the opening of proceedings
- proceedings
- organs
- effects on creditors
- effects on the debtor
- effects on acts prejudicial to creditors
- effects on pre-existing legal relationships
- custody and administration of assets
- evaluation of liabilities
- liquidation of assets
- division of the assets
- conditions, procedures and effects of the discharge of bankruptcy

SUGGESTED READING:

For attending students:

- Lecture notes
- and

- **L. GUGLIELMUCCI**, *Lezioni di diritto fallimentare*, Giappichelli, Torino, 2001

- **G.U. TEDESCHI**, *Manuale di diritto fallimentare*, Padova, CEDAM, 2000

For non-attending students:

One of the above texts.

BUSINESS LAW
Prof. Nadia Zorzi

PREREQUISITES:

Those attending the course must have passed the examination on the principles of private law.

PROGRAMME:

The course is divided in two parts, each consisting of thirty teaching hours. The first one deals with business law, both in the national and in the EC system, while the second examines with partnership and company law.

Syllabus:

Business:

- the concept of a business; categories of entrepreneurs
- beginning and termination of economic activities
- apparent and hidden entrepreneur; disqualification
- publicity
- accounting
- commercial agency
- firm and its transfer
- brands, trademarks, patents.
- The course will analyse the public company in detail.

Examined in particular will be the forthcoming reform of company law.

Companies in general:

- company, company partnership and joint ownership
- profit-making and non-profit purpose
- general distinctions concerning companies
- informal partnership and rules common to other types of company
- general partnership and limited partnership
- invalidity of participation and of the articles of association.
- special kinds of dissolution of partnership
- dissolution, winding-up and extinction of partnership.

Joint-stock companies:

- misuse of legal personality.
- limited company. establishment Contributions
- assembly. administration.
- supervision: board of auditors, judicial control.
- financing. balance sheet
- amendment of the charter.
- dissolution and liquidation.
- transformation and merger

PURPOSE OF THE COURSE:

The course covers the above topics, focusing on the most interesting of them and considering, with reference to each, current issues arising from case law and legal doctrine. The aim of the course is to equip students with the means to understand business law in a global institutional perspective. It will also analyse the different kinds of legal reasoning.

COURSE STRUCTURE:

Each subject will be discussed on the basis of both statute law and legal doctrine. The last lecture of each week will take a case-law approach, focusing on cases, mainly from the *Corte di Cassazione*, which highlight its *rationes decidendi* and *obiter dicta*. Students will be invited to assess the logical consistency of the arguments adduced (more specific information will be provided during the previous week). Regular attendance is recommended.

The part of the course devoted to companies will be flanked by six practical sessions (two hours per week), during which students will be guided in the analysis of specific judicial provisions and doctrinal opinion in order to familiarize themselves with the structure of legal argument. Students may also write a paper on a topic selected from those treated by the lectures.

Alternatively, students may attend one or two 10-hour seminars on company law.

Dr. Elisabetta Pederzini is the coordinator of the practical sessions and the seminars.

ASSESSMENT EXAMINATION:

The examination will take the form of an oral interview. Students who have attended the seminars or practical sessions will be examined separately.

SUGGESTED READING:

F. GALGANO, *Diritto commerciale. L'imprenditore* (except contracts and bankruptcy), Zanichelli, Bologna, (latest edition)

F. GALGANO, *Diritto commerciale. Le società*, Zanichelli, Bologna, (latest edition).

or:

AA.VV.; *Diritto commerciale*, Monduzzi ed. Bologna (latest edition)

Further bibliographical references on reform of company law will be provided during the course.

e-mail:

zorzi@jus.unitn.it

BUSINESS LAW - ADVANCED COURSE (SEMI-ANNUAL)

Prof. Nadia Zorzi - Dr. E. Pederzini

EUROPEAN LAW ON ELECTRONIC COMMERCE

PREREQUISITES

Students must have already passed the examination on Business Law.

PROGRAMME

The course examines recent European legislation on electronic commerce according to two different statutory profiles: one concerning regulation of the market and consumer protection, the other concerning electronic agreements between business operators.

Analysed in particular will be telematic contracts and on-line agreements, with particular regard to the distinctive features of the sector and legal remedies for the problems now emerging.

ASSESSMENT METHOD

The examination will consist of an oral interview on conclusion of the course.

SUGGESTED READING

AA. VV., *Il contratto telematico*, a cura di V.Ricciuto- N.Zorzi, in Trattato di diritto commerciale e di diritto pubblico dell'economia diretto da F. Galgano, Cedam, Padova, 2002.

Further reading materials on specific topics will be suggested during the course.

BUSINESS LAW - ADVANCED COURSE (SEMI-ANNUAL)

Prof. Nadia Zorzi - Dr. G. Riolfo

COMMERCIAL CONTRACTS

PREREQUISITES

Students must have already passed the examination on Business Law.

The business law advanced course deals with business contracts, examining the following aspects in particular.

- preliminary contracts and letter of intent
- project financing
- know-how contracts and technology transfer
- licence contracts
- EEIG (European Economic Interest Group)
- computer contracts (software contracts, outsourcing)
- distribution contracts (agency, franchising)
- international sales
- joint ventures
- take-overs
- procurement and regulation of public procurement.

Attendance on the course and sitting the final examination are compulsory.

SUGGESTED READING:

Judicial decisions, statutes and contract forms will be given to the students during the course.

e-mail: zorzi@jus.unitn.it

BUSINESS LAW - ADVANCED COURSE (SEMI-ANNUAL)

Prof. Nadia Zorzi - Dr. Aldo Giuliani

UNFAIR COMPETITION

PREREQUISITES

Students must have already passed the examination on Business Law.

The course deals with the regulation of unfair competition. Lectures will be held by Dr. A. Giuliani.

Attendance is mandatory and students must take the examination at the end of the course.

PROGRAMME:

- unfair competition and its regulation
- fairness clauses
- subjects of unfair competition
- connections with tort law
- unfair competition: typical and atypical cases
- legal capacity to sue and sanctions.

SUGGESTED READING:

Statutes, case-law and essays will be provided during the course.

e-mail: zorzi@jus.unitn.it

CANON LAW

Prof. Ruggero Maceratini

CONTENTS AND PURPOSES OF THE COURSE:

The course is general and informative in character. Its purpose is to emphasise the importance of canon law both in the past (especially during the period of the *ius commune*) and today within the Catholic Church and for other legal systems and international law.

The first part of the course deals with the general theory of the canon law system and its legal characteristics. The second part will discuss the historical development of canon law and its implications for Western legal culture. Special attention will be paid to the concepts of natural person, marriage, canon law procedure, and the fundamental principles of canon sanctions as they have influenced contemporary criminal law.

PROGRAMME:

- I. Foundations of canon law
- II. Birth and development of the canon law system
- III. Natural persons in the canon law system
- IV. Marriage
- V. Canon procedure, with special reference to marriage procedure
- VI. Sanctions in the Church.

STRUCTURE OF THE COURSE AND ASSESSMENT EXAMINATION:

The course consists of lectures, some of which will be given by visiting professors. Students may write short papers dealing with subjects of particular interest.

The examination will take the form of an oral interview on topics discussed in class.

SUGGESTED READING:

F. BOLOGNINI, *Lineamenti di diritto canonico*, Torino, Giappichelli (latest ed.)

or

L. MUSELLI, *Manuale di diritto canonico e matrimoniale*, Bologna, Monduzzi (latest ed.)

And

R. BERTOLINO, *Matrimonio canonico e bonum coniugum. Per una lettura personalistica del matrimonio cristiano*, Torino, Giappichelli, 1995.

or

G. LO CASTRO, *Il soggetto e i suoi diritti nell'ordinamento canonico*, Milan, Giuffrè, latest ed., pp. 1-93

or

G. MORI, D. SALACHAS, *Ordinamento giuridici delle Chiese cattoliche orientali*, Il Mulino.

Attending students may prepare lecture notes instead of some sections of the above texts.

CIVIL LAW

Prof. Giovanni Pascuzzi

PROGRAMME:

The course analyses the system of civil liability with particular reference to the following aspects:

a)

- Nature and purpose of civil liability
- Indictment criteria
- Unlawful damage and the interests protected
- Exemptions and defences
- Damages and compensation

GOALS OF THE COURSE

The aim of the course is to familiarize students with the instruments used in analysis of private law through study of the system of civil liability.

STRUCTURE OF THE COURSE

The course will alternate presentation of the above topics with analysis of specific issues and applied aspects.

Organised during the course will be a series of 'moot courts' held on specific aspects of the programme and individual cases. Seminars will focus on legal search techniques (databases on legislation, case law and jurisprudence).

SUGGESTED READING

P.G. MONATERI, *Manuale della responsabilità civile*, Torino, Utet, 2001 pagg. 1 - 598.

G. PASCUZZI, *La responsabilità civile. Percorsi giurisprudenziali*. Quaderni del Dipartimento di Scienze Giuridiche, Trento, 2000

Parte Speciale: G. PASCUZZI, Il diritto nell'era digitale. Tecnologie informatiche e regole privatistiche, Bologna, Il Mulino, 2002.

CIVIL LAW - LAND REGISTRY LAW - advanced course (semi-annual)
Dr. Lorenzo Pellegrini

PREREQUISITES:

Students must have already passed the examination on Civil Law.

PROGRAMME:

The history and principles of Italian law on registered land; the system of land registration; principle of public credit; rule of lawfulness.

PURPOSES:

The course covers the main features of the law on registered land in relation to the founding principles of the Italian system of property rights protection.

STRUCTURE OF THE COURSE:

Lectures will be complemented with practical sessions conducted by Dr. F. Margonari.

ASSESSMENT METHOD

The examination will take the form of an oral interview at the end of the course.

SUGGESTED READING:

GABRIELLI- TOMMASEO, *Commento alla legge tavolare*, 2°ed., Milan, Giuffrè, 1999, only articles 1-13 and 21 of R.D. 28/3/1929 n. 499 and articles 1-12, 19-33, 35-52 and 53-58 of the Law on land registers. Alternatively, an edition of the same volume intended for students may be used.

CIVIL PROCEDURE

Prof. Massimo Montanari

PROGRAMME

The programme covers the following areas: a) the fundamental principles and institutes of Italian civil procedure, also with reference to enforcement and special procedures; b) the first instance trial; c) grounds for appeal. It is recommended that students be thoroughly acquainted with the principles of private and public law, given that the principal aims of the course are:

- a. to consolidate knowledge of the main procedural institutes;
- b. to analyse the distinctive features of civil procedure and the evolution of the protection system in relation to substantive law.

Progress tests may be held for attending students, and seminars may be organised to flank the main course.

ASSESSMENT METHOD

The examination consists of a compulsory written paper, which if necessary may be complemented with an oral interview. In view of the complexity of the subject, the examination may be divided into two parts corresponding to the two components of the course:

Part 1: the principles and institutes of the trial;

Part 2: procedure in the trial of first instance, indictment and special procedures.

SUGGESTED READING:

For Part 1

- C. CONSOLO, *Spiegazioni di diritto processuale civile*, I, *Le tutele*, Cisalpino, Milan, 1998
C. CONSOLO, *Spiegazioni di diritto processuale civile*, II, *Le disposizioni generali*, Cisalpino, Milan, 1998, except for Chap. 7 § 3 and Chap. 14.

For Part 2

- MONTESANO - G. ARIETA, *Diritto processuale civile. II. Il processo ordinario di cognizione*, Torino, Giappichelli, 1999, except for part 5

Or.:

- b) C. MANDRIOLI, *Corso di diritto processuale civile. II. Il processo di cognizione*, Editio minor, 2a ed., Giappichelli, Torino, 2002.

and

- c) C. CONSOLO, *Spiegazioni di diritto processuale civile. II. Le disposizioni generali*, Cisalpino-Monduzzi, Bologna, 1998, Cap. 14, Sezione Quinta (Il litisconsorzio nelle fasi di impugnazione della sentenza: pp. 445-459).

On special procedures:

- aa) C. CONSOLO, *Spiegazioni di diritto processuale civile. I. Le tutele*, Cisalpino-Monduzzi, Bologna, 1998, Sezione Seconda (pp. 217-334);
bb) C. CONSOLO, *Spiegazioni di diritto processuale civile. II. Le disposizioni generali*, Cisalpino-Monduzzi, Bologna, 1998, Cap. 7, Sezione Terza (Arbitrato rituale e arbitrato libero: pp. 117-148).

COMMON LAW

Prof. Diego Quaglioni – Dr. Christian Zendri – Dr. Giuliano Marchetto

PROGRAMME

The course is intended mainly for students who have already attended the courses on History of Modern Legal Thought and History of Italian Law. It will concentrate on the institution of marriage in common law jurisprudence, dividing the subject matter into two closely connected parts.

The first deals generally with the development of law in the early Middle Ages, and then during the centuries of late medieval university culture, and finishes with the dissolution of the old models and the advent of new paradigms with the modern age.

The second part of the course examines marriage in common law, with the ambivalence of its contractual and sacramental features, and analyses its significant for the history of legal thought and European politics between the Middle Ages and the modern age, until the introduction of the codes.

SUGGESTED READING

S. SEIDEL MENCHI - D. QUAGLIONI (edd.), *Matrimoni in dubbio: unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo*, Bologna, Il Mulino, 2001.

Students unable to attend lectures should prepare the following texts for the examination:

F. CALASSO, *Introduzione al diritto comune*, Milano, Giuffrè, 1970

J. GAUDEMET, *Il matrimonio in Occidente*, Torino, SEI, 1989

COMPARATIVE ADMINISTRATIVE LAW

Prof. Daria de Pretis – Prof. Barbara Marchetti

PROGRAMME:

The course will deal with features of the administrative judicial systems of the European Community, the United Kingdom, Germany and the United States, the purpose being to compare different methods to protect citizens against the public administration in systems with sometimes very different legal traditions.

The course presupposes knowledge of Italian administrative law or, for Erasmus students, of their national administrative law. Consequently, attendance on the course and sitting the examination are conditional on possession of such knowledge.

Those attending the course should be conversant in at least one foreign language.

The course will be divided into two parts. The first will analyse administrative procedure in the German and EC system; the second will examine the judicial review of administrative action in the English and American systems. The intention is to compare historically different legal traditions (that of *droit administratif* and that of the common law countries), finding differences and similarities between them.

The course is part of the Faculty's general programme of administrative subjects.

The examination will take the form of an oral interview; attending students may sit an examination on the contents of the course on its conclusion.

SUGGESTED READING:

M. D'ALBERTI, *Diritto amministrativo comparato*, Il Mulino, Bologna, 1992 (only pp. 27-91 on France and UK).

R. BIFULCO, *La giustizia amministrativa nella repubblica federale di Germania*, in G. RECCHIA, *Ordinamenti europei di giustizia amministrativa, Trattato di diritto amministrativo*, directed by G. SANTANIELLO, vol. XXV, Padova, Cedam, 1996, pp. 260-346.

M.P. CHITI, G. GRECO, *Trattato di diritto amministrativo europeo*, Vol. I, general part, Giuffrè, Milan, 1998, only the following parts:

Tutela giurisdizionale (Falcon), pp. 333-392;

Principi generali (Massera), pp. 431-464;

Responsabilità (Clarich), pp. 633-651;

Tutela giurisdizionale (Caranta), pp. 653-670.

The lecturers may announce other bibliographical references and set different programmes for attending students during the course.

COMPARATIVE AND EUROPEAN COMMUNITY ANTI-DISCRIMINATION LAW

Prof. S. Scarponi – Prof. P. Smith – Prof. R. Toniatti

Anti-discrimination law has acquired increasing importance over the years in contemporary legal systems, reflecting policies intended to promote social diversity and to “remove all economic and social obstacles which, by limiting the freedom and equality of citizens, prevent the full development of the individual and the participation of all workers in the political, economic, and social organization of the country” (article 3 clause 2, Italian Constitution). The development of anti-discrimination law has also been fostered by the EC legislators and the Court of Justice, although this has hampered the harmonisation of national laws. The federal system of the United States is considered to be the prime mover of anti-discrimination legislation, also in the specific form of affirmative action; and with the contribution of a large body of case law it has defined its nature and limits.

The aim of the course is to conduct comparative treatment of these themes. Its first part (R. Toniatti) will examine the constitutional bases of anti-discrimination law in certain member-states of the European Union, with particular regard to the concept of substantial equality and its application to discrimination on the basis of gender, language (linguistic minorities) and ethnicity (immigrants). Practical sessions will be held on normative and case-law aspects (Dr. Cinzia Piciocchi, Dr. Davide Strazzari). The second part of the course (S. Scarponi) will deal with discrimination in public and private employment, with particular regard to European Court of Justice case law (see the programme for the applied workshop on Court of Justice Case Law on Social Policy). The third part of the course (P. Smith) will consider the legal and case-law aspects of gender and race discrimination in relation to the federal law of the United States.

Part of the course will be taught in English. Students may attend individual modules.

Study materials will be announced at the beginning of the course.

COMPARATIVE BUSINESS LAW
Prof. Nadia Zorzi – Dr. Elisabetta Pederzini

PREREQUISITES:

Those attending the course must have passed the examination on the principles of private law.

PROGRAMME:

The course is divided in two parts, each of thirty teaching hours. The first one deals with business law (in the EC system as well), while the second covers business enterprises.

Business:

- the concept of a business; categories of entrepreneurs
- beginning and termination of economic activities
- apparent and hidden entrepreneur; disqualification
- publicity
- accounting
- commercial agency
- firm and its transfer
- brands, trademarks, patents.

Examined in particular will be the forthcoming reform of company law.

Companies in general:

- company, company partnership and joint ownership
- profit-making and non-profit
- general distinctions among companies
- informal partnership and rules common to other types of company
- general partnership and limited partnership
- invalidity of participation and of articles of association.
- special kinds of dissolution of partnership
- dissolution, winding-up and extinction of partnership.

Joint-stock companies:

- misuse of legal personality.
- limited company: establishment, contributions
- assembly, administration.
- supervision: board of auditors, judicial control.
- financing, balance sheet
- amendment of the charter
- dissolution and liquidation.
- transformation and merger

With reference to company law in other countries, the course will pay specific attention to the following topic:

“The abuse of legal personality in business enterprises: penalties in the German system”.

PURPOSE OF THE COURSE:

The course covers the above topics, focusing on the most interesting of them, and considering with reference to each the current issues arising from case law and legal doctrine. The aim of the course is to equip students with the means to understand business law in a global institutional perspective. It will also analyse the different kinds of legal reasoning.

COURSE STRUCTURE:

Each subject will be discussed on the basis of both statute law and legal doctrine. The last lecture of each week will take a case-law approach to analyse cases, mainly from the *Corte di Cassazione*, which highlight its *rationes decidendi* and *obiter dicta*. Students will be invited to assess the logical consistency of the arguments adduced.

Knowledge of the law will be supplemented by analysis of a crucial issue in the European 'system' of business companies: the abuse of legal personality, with regard to which the course will examine the penalties applied under German law.

ASSESSMENT EXAMINATION:

The examination will take the form of an oral interview.

SUGGESTED READING:

F. GALGANO, *Diritto commerciale. L'imprenditore* (except contracts and bankruptcy), Zanichelli, Bologna, (latest edition)

F. GALGANO, *Diritto commerciale. Le società*, Zanichelli, Bologna, (latest edition).

or:

AA.VV.; *Diritto commerciale*, Monduzzi ed. Bologna (latest edition)

Further bibliographical references on reform of company law will be provided during the course.

COMPARATIVE CIVIL PROCEDURE

Dr. Marino Marinelli

The course examines the main European and extra-European civil procedure systems from a comparative perspective.

Lectures will cover the following topics:

- admissibility and decidability of a lawsuit
- the matter adjudicated
- extra-municipal circulation of adjudications
- arbitration.

Students should be familiar with the essential notions of civil procedure if the course is to achieve its two main purposes:

- a. increase their knowledge of administrative procedure;
- a. introduce them to the principles of comparative procedural analysis.

STRUCTURE

The course will consist of lectures, practical sessions and reading assignments.

The examination will take the form of an oral interview.

SUGGESTED READING

Lesson notes and the texts announced during the course.

Non-attending students will be given a reading list.

Students particularly interested in the subject may draw up an alternative study programme with the lecturer.

COMPARATIVE CONSTITUTIONAL LAW

Prof. Carlo Casonato

KNOWLEDGE REQUIRED

Required for attendance on the course is knowledge of Italian constitutional law, the Western legal traditions, particularly common law and civil law, and the philosophical and political doctrines that have most closely influenced the configuration of the modern state. Also required is an at least passive knowledge of English.

CONTENTS AND PURPOSES OF THE COURSE

The aim of the course is to provide students with critical understanding of constitutional law in a variety of legal systems (focusing, among others, on the Canadian system) by means of comparison among their normative and institutional aspects. By conducting systematic and historical analysis of legislation and case-law, the course intends to equip students with the tools to understand the legal and extra-legal dynamics at the basis of modern constitutional law.

STRUCTURE OF THE COURSE

After a brief introduction to comparative methodology in constitutional law, the course will deal with the fundamental topics of constitutional law: the notion of constitutional order, the sources of law, the notions, contents and legal and political guarantees of the Constitution, mechanisms of constitutional law-making and amendment, the concepts of state and government.

Thereafter, the course will analyse forms of government in liberal states, their policy-making bodies, their functions and relationships, and forms of political-territorial centralisation and decentralisation. Also scheduled are lectures on the use of computerised search tools in comparative law.

Robert Sharpe, Judge at the Court of Appeal of Ontario, will deliver a cycle of lectures on the Canadian constitutional system as a paradigm which furnishes significant insights into the process of European integration. Subsequently, a number of lectures by Professor Silvio Goglio will aid understanding of the economical rationality and evolution of different systems of territorial government.

The course presupposes knowledge which students may acquire by themselves by reading the relevant handbooks. Lectures will deal with the most problematic aspects of the subject in order to enable students to develop a critical approach. As a consequence, treatment will be flexible and may not precisely follow the sequence of the course programme.

Students will be encouraged to take active part in discussion in order to develop an ability to provide reasoned and critical analysis of the materials provided.

A written test will assess knowledge as well as understanding of the course contents.

EXAMINATION ASSESSMENT

The examination will take the form of an oral interview to assess the student's ability to use the methodological tools of comparative legal analysis applied to constitutional law. Rote memorisation of the reading materials will not be considered sufficient.

SUGGESTED READING

G. de VERGOTTINI, *Diritto costituzionale comparato*, 5th edition, Cedam, Padova, 1999 (Premessa, Parts I, II, III, V).

or

G. MORBIDELLI, L. PEGORARO, A. REPOSO, M. VOLPI, *Diritto costituzionale italiano e comparato*, Monduzzi, Bologna, 2nd edition, 1997 (concerning the parts dealing with the comparative issues).

Because of the references to the Canadian legal system, one of the following books is also suggested: **AA.VV.**, *L'ordinamento costituzionale del Canada*, Giappichelli, Torino, 1997; **S. GAMBINO, C. AMIRANTE (eds.)**, *Il Canada, un laboratorio costituzionale. Federalismo, Diritti, Corti*, Cedam, Padova, 2000; **G. ROLLA (eds.)**, *Lo sviluppo dei diritti fondamentali in Canada fra universalità e diversità culturale*, Giuffrè, Milan, 2000.

C. CASONATO (ed.), *The Protection of Fundamental Rights in Europe: Lessons from Canada*, in press.

Some parts of the reading materials may be replaced with a different study programme drawn up with the teacher.

For the text of Constitutions see **E. PALICI di SUNI, M. COMBA e F. CASSELLA (eds.)**, *Le Costituzioni dei Paesi della Comunità europea*, Cedam, Padova, 1998, and government websites.

COMPARATIVE CONSTITUTIONAL LAW ON GROUPS AND MINORITIES

Prof. Roberto Toniatti – Prof. Bruce Duthu – Dr. Francesco Palermo

PROGRAMME

The course conducts comparative analysis of the regulation by the state and its institutions of ethnic, cultural, linguistic and religious diversity.

The first part of the course focuses on the constitutional models that emerge from comparative analysis of states with regard to the rights of groups and minorities and the evolution of techniques to guarantee ethnic, cultural, linguistic and religious pluralism. Particular attention will be paid to the constitutionalisation of international and supranational principles at its numerous normative levels, the aim being to accustom students to working at several levels, and using sophisticated methods within a single theoretical framework.

The second part of the course will explore these aspects with particular reference to the legal treatment of the indigenous populations in the former British colonies (United States, Canada, Australia) and in other European systems. This investigation will enable assessment of possible shifts in constitutional law in relation to changes in ideological attitudes towards diversity, with particular regard to lifestyles very different from those of Europe.

The aim of the course is to aid understanding of the minority phenomenon from a legal and comparative point of view. Besides conducting theoretical discussion, it will furnish tools for the analysis of judicial acts and constitutional case law in the various systems examined. Given the advanced nature of the course, students will be required to take active part in discussion, and they will be expected to have at least a working knowledge of English.

COMPARATIVE CRIMINAL LAW

Prof. Gabriele Fornasari

PREREQUISITES

Previous attendance on the courses in Criminal Law I and Comparative Legal Systems is highly recommended. At least passive knowledge of a foreign language (English, French, German or Spanish) is required for attendance at the seminars.

MINIMUM REQUIREMENTS AND LEARNING GOALS

The course will first survey comparative criminal law, considering both the civil and common law legal systems, and within the general framework of contemporary comparative legal science.

Then, as explained below, attention will shift to German criminal law and to a specific topic which will be analysed across several legal systems. The former will be studied with particular regard to its constitutional basis, its relationship with the international and Community legal order, and its general principles (theory of crime, punitive system, procedural conditions, types of offence). Then conducted is comparison with the corresponding institutes of Italian criminal law, with particular emphasis on those of its features which display distinctive differences from the Italian system, such as indictment, fraud, negligence, error, attempted crime, conspiracy, pecuniary penalties. The course will provide the student not only with knowledge of a foreign legal order, but also with better understanding of the Italian legal system, with a view to possible harmonisation within a common European codification. This part of the course will also comprise monographic treatment of alternatives to imprisonment, examining the legal provisions and applications in other countries, and with the focus on the punishment of business crime, juvenile delinquency and offences by subjects deemed to be socially dangerous.

STRUCTURE OF THE COURSE

The course consists of an introductory part on German criminal law and a monographic part as outlined above. The latter will be taught with the help of Italian and foreign lecturers with specific expertise, who will discuss specific foreign cases. The course also comprises twenty hours of seminars and practical sessions led by researchers and assistants which will explore certain of the topics covered during lectures: the harmonisation of European criminal law and the institution of the international Criminal Court. Students attending these seminars may write papers for assessment during the examination. Moreover, students attending lectures may consult with the lecturer for a personalised reading programme comprising texts other than those suggested below, with particular regard to the topic of the monographic component of the course.

EVALUATION METHODS

The examination will take the form of an oral interview, although it may consist in part of discussion on a paper dealing with a subject agreed with the lecturer. This paper should be based on reading matter in a foreign language provided by the lecturer or assistants on topics addressed by the seminars or practical sessions.

SUGGESTED READINGS

For non-attending students:

G. FORNASARI, *I principi del diritto penale tedesco*, Cedam, Padova, 1993; (with reference to the German Criminal Code, the following Italian parallel text edition is available: *Codice penale tedesco*, edited by De Simone, Foffani, Fornasari, Sforzi, Cedam, Padova, II° ed., 2000).

or

F.PALAZZO-M.PAPA, *Lezioni di diritto penale comparato*, Giapichelli, Torino 2000 (pagg. 1-194);

- G. FORNASARI, *Le strategie di contrasto alla criminalità organizzata nella prospettiva di diritto comparato*, Cedam, Padova, 2002(pagg. 1-198);

- A. CADOPPI, *Dalla judge - made law al criminal code*, Rivista italiana di diritto e procedura penale, 1992, pagg. 923 - 994

- F. CURI, *L'istituto della recklessness nel sistema penale inglese*, Rivista italiana di diritto e procedura penale, 1998, pagg. 975 - 1009.

- M. PAPA, *Considerazioni sui rapporti tra previsioni legali e prassi applicative nel diritto penale federale statunitense*, Rivista italiana di diritto e procedura penale, 1997, pagg. 1258 - 1306.

Attending students may entirely or partly substitute these texts with materials agreed with the lecturer on topics addressed in the practical sessions or by the monographic part of the course.

COMPARATIVE LABOUR LAW

Prof. M. Fuchs – Dr. Giorgio Bolego

PREREQUISITES

Students should have a particular interest in aspects of labour law. Knowledge of a foreign language is not necessary for attendance on the course.

PROGRAMME

General part: actors and sources of labour law.

This part of the course examines the actors and sources of labour law. It conducts historical-comparative analysis of the two main continental systems of civil law (France and Germany) and those of the United Kingdom and the United States.

Special part: the flexibility of labour law.

This part of the course will consist of seminars and written papers by students. It will deal with the following topics:

the theory of flexibility in the international framework

labour flexibility and the law

atypical contracts

the contribution of European law to the flexibilization of labour law.

STRUCTURE

The course will consist mainly of lectures, although it will also comprise a series of seminars on specific topics which will require more active participation by students.

SUGGESTED READING

Attending students will be given reading assignments during the course.

Non-attending students should prepare the following texts for the examination:

- **U. ZACHERT**, *Lezioni di diritto del lavoro tedesco*, Dipartimento di Scienze Giuridiche, Trento, 1995.

- **LORD WEDDERBURN**, *I diritti del lavoro*, Giuffrè, Milano, 1998.

- **M. BIAGI**, *Rappresentanza e democrazia in azienda*, Maggioli, Rimini, 1990, limitatamente alle pp. 16-19; 23-70; 325-333; 367-370.

On agreement with the lecturer, these texts may be replaced by others in a foreign language.

COMPARATIVE LEGAL SYSTEMS

Prof. Massimo Santaroni

SYLLABUS:

Legal traditions: the historical dimension of the law.

- Origins of English law: the birth of the common law *vis-à-vis* the civil law; structure of English law; common law and equity; common law and statute law; common law in the United States of America.
- Characteristics of civil law systems, with particular regard to those of France and Germany; the historical development of these systems; the exegesis school of France; the historical school of Germany; relations between civil law and common law; law of the former Socialist countries.

PURPOSES OF THE COURSE

The aim of the course is to provide methods and notions for the analysis of continental and non-continental legal systems using a comparative and methodological approach, thereby laying the basis for subsequent courses in private and public law.

STRUCTURE

The course will consist of two cycles of lectures and practical sessions intended to develop understanding of the topics covered by the course and to impart the comparative legal method. Required reading are the texts listed below and the materials (e.g. decisions and laws) analysed during lectures. Students will be expected to attend regularly and their participation will be part of the final assessment.

The lectures and seminars will cover the following topics:

- 1) Comparative private law
 - a. sources of law in common law and civil law systems
 - b. case-law and legal doctrine in common law and civil law systems (suggested reading: G. Ajani, P.G. Monateri, *Casi e materiali dei Sistemi giuridici comparati*, Giappichelli, 1998)
- 2) Comparative public law: the concept of public law in common law, civil law and extra-European traditions; political power and the production of public law; types of constitutions (written, rigid and guaranteed) and the legal system.

The examination will take the form of an oral interview.

SUGGESTED READING:

R. SACCO, *Introduzione al diritto comparato*, 5 ed., UTET, Torino, 1992

R. DAVID, *I grandi sistemi giuridici contemporanei*, Padova, Cedam, 1992, (except the chapters on the law of African and Asiatic countries and the law of Eastern European countries)

G. AJANI, *Il modello post-socialista*, Torino, Giappichelli, 1996

or

R. SACCO, *Introduzione al diritto comparato*, Torino, UTET, 1992

U. MATTEI, *Il modello di common law*, Torino, Giappichelli, 1996

P.G. MONATERI, *Il modello di civil law*, Torino, Giappichelli, 1996

G. AJANI, *Il modello post-socialista*, Torino, Giappichelli, 1996

or

A. GAMBARO, R. SACCO, *Sistemi giuridici comparati*, Torino, UTET, 1996

G. AJANI, *Il modello post-socialista*, Torino, Giappichelli, 1996

or

P. GALLO, *Sistemi giuridici comparati*, Torino, Giappichelli, 1996

G. AJANI, *Il modello post-socialista*, Torino, Giappichelli, 1996

or

R. SACCO, *Introduzione al diritto comparato*, Torino, UTET, 1992

ZWEIGERT-KOETZ, *Introduzione al diritto privato comparato*, Milan, Giuffrè, 1992

G. AJANI, *Il modello post-socialista*, Torino, Giappichelli, 1996.

FURTHER SUGGESTED READING:

L. J. CONSTANTINESCO, *Introduzione al diritto comparato*, (Italian ed. by A. Procida Mirabella di Lauro- R. Favale), Torino, Giappichelli, 1996

G. AJANI-P.G. MONATERI, *Casi e materiali di sistemi giuridici comparati*, Giappichelli, 1998

G. ALPA, M.J.BONELL, D. CORAPI, L. MOCCIA, V. ZENO-ZENCOVICH, *Diritto privato comparato- Istituti e problemi*, Bari, Laterza, 1999.

COMPARATIVE PRIVATE LAW

Dr. Giuseppe Bellantuono - Dr. Roberto Caso

PROGRAMME:

The course analyses the law of contracts in the civil law and common law systems, doing so in the light of the most recent developments in European private law. It examines the following topics in particular:

- method of comparative analysis
- comparative economic analysis of law
- searching for comparative materials
- operative rules (interpretation and extension of a contract, supervening circumstances, types of contract, non-fulfilment)
- abuse of contractual power (rescindment, vexatious clauses, unconscionable clauses in contracts with consumers, abuse of economic dependence, unfair terms of payment).

PURPOSES OF THE COURSE:

The aim of the course is to familiarise students with comparative techniques by conducting in-depth analysis of contract law.

STRUCTURE OF THE COURSE:

The course will alternate theoretical explanation with analysis of various issues and specific discussion of applied aspects.

After a methodological introduction, it will examine two issues in particular: operative rules and the abuse of contractual power.

ASSESSMENT EXAMINATION:

The examination will take the form of an oral examination.

SUGGESTED READING:

Attending students will be set reading assignments during the course.

For non-attending students:

GZWEIGERT e KOETZ, Introduzione al diritto comparato. Istituti, vol. II, Milano, Giuffrè, 1995, p. 1 - 244;

A cura di G. ALPA e R. DELFINO, Il contratto di common law inglese, II ed., CEDAM, Padova, 1997, pag. VIII - 188;

G. ALPA G., I "Principles of European Contract Law" predisposti dalla Commissione Lando, in Riv. critica dir. privato, 2000, pag. 483 - 497;

GR. COOTER e al., Il mercato delle regole. Analisi economica dei diritto civile, il Mulino, Bologna, 1999, pag. 222 - 251.

CONSTITUTIONAL LAW

Prof. Roberto Toniatti

PREREQUISITES:

Students are required to be familiar with the institutional features of the Italian legal system that place it within the European continental tradition as a consequence of the influences exerted by philosophical theory. The course also presupposes knowledge of the positive constitutional system, its sources, and the institutional organisation of the state. The course is therefore a continuation of courses on the first-year Faculty Programme.

CONTENTS AND PURPOSES OF THE COURSE:

The aim of the course is to provide students with analytical and critical understanding of the dynamics (sometimes pathological) that have generated the definition and development of the protection of fundamental rights. It focuses on the tension between political and legal aspects of the protection of rights, and therefore on the relationship between the formal conception of the law and its practical implementation, between the sources of law and the role of the Constitutional Court, and between the principles of lawfulness and constitutional legitimacy. The intention is to develop not only theoretical knowledge but also the abilities of analysis and synthesis required by more advanced study and by the legal professions.

The course programme covers the sources of law and their increasingly complex and competitive structure (atypical sources of law, territorial autonomies as sources of law, normative functions of executive power, the role of EC and international law, and their jurisdiction as regards constitutional rights), the organisation of the judiciary (as a guarantor of rights) and the Constitutional Court, its jurisdictional function and judicial review.

The course also aims to provide students with extensive knowledge of constitutional rights as defined by statutory law and by the case law that specifies, extends and modifies those rights. Such knowledge can only be selective, given that it is augmented by other courses (civil law, criminal procedure, labour law and economic law) and in view of the nature itself of constitutional law as a decisive influence on the body of law as a whole. The course therefore concentrates on the formal and concrete mechanisms that determine the dynamics described.

Students will be required to analyse the grounds for jurisdictional decisions.

STRUCTURE OF THE COURSE:

The course will analyse the main problems concerning the protection of constitutional rights, investigating the relationship between case law and statutory law and dealing with the role and types of decisions and the interpretative techniques of the Constitutional Court.

The course requires detailed knowledge of the notions set out in the textbooks suggested. Lectures will deal with problematic issues in order to furnish students with understanding of the critical aspects of the subject. The lectures will consequently not adhere strictly to the order of the reading materials.

Regular attendance and active participation is recommended so that students may develop their reasoning and understanding skills.

Attending students will be set two written tests during the course.

ASSESSMENT EXAMINATION:

The examination will be oral and written and will assess reasoning and analysis skills, which will require a good knowledge of the institutes of constitutional law. The rote learning of the textbooks will not be considered sufficient.

SUGGESTED READINGS:

For attending students:

- 1) **G. AMATO - A. BARBERA**, *Manuale di diritto pubblico*, V ed., Bologna, Il Mulino, 1995, Vol. I and part of Vol. II ("La sovranità, la funzione di governo, l'indirizzo politico" (Ch. I), "Il potere giudiziario" (Ch. XI) and "La giurisdizione costituzionale" (Ch. XII))
- 2) A collection of case law with notes by the lecturer

Non-attending students should also prepare:

- 3) **V. ANGIOLINI (ed.)**, *Libertà e giurisprudenza costituzionale*, Torino, 1992.

Students are also recommended to read the text of the Constitution, international treaties, statutes and court decisions. Suggested for this purpose is M.AINIS, T. MARTINES, *Piccolo codice costituzionale*, II ed., LED Edizioni Universitarie di Lettere, Economia, Diritto, 1997.

CRIMINAL BUSINESS LAW

Prof. Alessandro Melchionda

PREREQUISITES:

The course presupposes a good knowledge of the general institutes of criminal law. Students should preferably have attended the courses on Business Law, Tax Law and Bankruptcy Law.

STRUCTURE OF THE COURSE:

The first part of the course will introduce the main features of criminal business law, focusing on technical and legal aspects, the transfer of functions, and the criminal liability of legal persons. The second part will analyse the main criminal offences related to corporate and fiscal bankruptcy.

The aim of the course is to provide students with specific knowledge of the characteristics of these areas of criminal law. A further purpose is to conduct logical-argumentative analysis of the implementation of criminal by means of moot cases.

PROGRAMME:

- notion and contents of criminal business law
- the role of the "legal good" in the regulation of economic crimes
- technical and legislative aspects
- subjects chargeable with criminal offences
- recent legislation on corporate responsibility
- the transfer and/or delegation of functions
- bankruptcy crime
- corporate crime
- fiscal crime

Given that it is impossible to cover the entire programme in depth, only general aspects and those related to the most important types of crime will be analysed. Lectures will focus on real cases and the most appropriate legal remedies. Supplementary seminars may be organised and some lectures may be given by invited professors.

The exam will take the form of an oral interview on some of the topics on the course programme.

SUGGESTED READINGS:

- C. PEDRAZZI - A. ALESSANDRI - L. FOFFANI - S. SEMINARA - G. SPAGNOLO, *Manuale di diritto penale dell'impresa*, Monduzzi Editore, Bologna, 2^a edizione aggiornata, 2000 (pagg. da 1 a 211e da 715 a 779)

- AUTORI VARI, *I nuovi reati societari*, a cura di A. Lanzi e A. Cadoppi, Cedam Padova, 2002 (di prossima pubblicazione; le parti saranno indicate all'inizio del corso)

or

- F. ANTOLISEI, *Manuale di diritto penale, Leggi complementari, Vol. II, I reati fallimentari, tributari, ambientali e dell'urbanistica*, Giuffr , Milano, XI^a edizione, 2001

CRIMINAL LAW I

Prof. Lorenzo Picotti

PREREQUISITES:

Previous attendance of the course on Constitutional Law is highly recommended, given the importance of the principles and the guarantees set out by the Constitution on criminal law, especially with regard to sources of law (saving clause, definitiveness, non-retroactivity), the protection of fundamental rights and personal freedom, and punishment. Previous attendance on the course of Philosophy of Law is also recommended because of the importance of such concepts as authority/freedom, state/individual, and the basis of individual liability/limits to punitive power.

CONTENTS AND PURPOSES OF THE COURSE:

The course covers the basic notions of positive law set out in the general part of the course on the criminal code and its underlying dogmatic concepts and legal categories (liability and self-determination, causation, unlawfulness, exculpation, criminal guilt and moral responsibility, error and misrepresentation, social dangerousness and social protection, etc.).

Students will be required to exercise their reasoning skills and to take a critical approach to the subjects discussed, particularly as regards the analysis of crime (*actus reus*, unlawfulness, guilt, etc.). They should avoid rote memorisation.

The course will also comprise a special component which analyses how the concepts discussed in the general part find application, with the focus on crimes against public property.

STRUCTURE OF THE COURSE:

The course will consist mainly of formal lectures.

PROGRAMME:

1. Historical development of modern criminal law (legal Enlightenment, Beccaria, codifications, classical and positive Schools, the Zanardelli and Rocco Criminal Codes)
2. Constitutional principles (saving clause, definitiveness, non-retroactivity, guilt, criminal liability and liability, rehabilitative purpose of punishment)
3. Functions of punishment and the structure of the punishment system
4. Analysis of crime: *actus reus*, unlawfulness, guilt
5. Types of crimes

Attending students may attend supplementary seminars which develop specific topics on the course syllabus.

The examination will assess knowledge of the subjects covered by the lectures and seminars.

SUGGESTED READINGS:

1) G. FIANDACA - E. MUSCO, *Diritto penale - parte generale*, Bologna, Zanichelli, 3rd ed., 1995

or

F. MANTOVANI, *Diritto penale - parte generale*, Padova, Cedam, 3rd ed., 1992.

II) **G. FIANDACA - E. MUSCO**, *Diritto penale - parte speciale*, Vol. II, Tomo secondo: *Delitti contro il patrimonio*, Zanichelli, Bologna, 1992

or

F. MANTOVANI, *Diritto penale - parte speciale. Delitti contro il patrimonio*, Cedam, Padova, 1989, with "appendice di aggiornamento 1994" (updating for 1994).

Further readings for attending students will be announced during the course and the seminars.

CRIMINAL LAW II

Prof. Gabriele Fornasari – Prof. Alessandro Melchionda

PREREQUISITES:

Students should have already attended Criminal Law I.

CONTENTS AND PURPOSE OF THE COURSE:

The course analyses the special part of the criminal law where the concepts studied in Criminal Law I are given concrete application.

The course begins by dealing with the 'systematics' of the special part, which is divided into titles and groups of crimes according to the legal goods protected, its general principles and its relation to the general part.

However, the course will cover only certain sectors of the special part deemed to be of especial interest.

The first module, taught by Professor Fornasari, will briefly review the special part of the criminal code and then concentrate on offences against the administration of justice. Considered in particular will be the following: false allegation, false witness and aiding and abetting) and crimes against the person as set out under Title 1, with particular regard to such topical issues as euthanasia and the onset of human life.

The second module, taught by Professor Melchionda, will deal with crimes against the public administration, focusing on the concept of public administration, the personal characteristics of offenders, and the definition of offences, especially in the light of recent case law and reforms.

The course will make constant reference to notions in the general part of the criminal law, analysing particular instances of the crimes covered by the programme and conducting critical evaluation of the statutory rules in order to assess the effective protection of legal goods.

STRUCTURE OF THE COURSE

The two modules of the course will consist of lectures on the above topics and practical sessions on specific aspects of the course programme, taking a case-law approach. Students participating in these practical sessions will prepare papers for discussion which may be assessed as part of the final examination. Talks by outside experts are scheduled.

Students who have attended the main course and especially the practical sessions may draw up alternative reading assignments for the examination on agreement with the lecturers.

ASSESSMENT METHOD

The examination will take the form of an oral interview and will assess knowledge of the course contents, although it may in part consist of discussion on papers prepared in agreement with the lecturers and assistants.

SUGGESTED READINGS:

For non-attending students:

- **G. FIANDACA - E. MUSCO**, *Diritto penale. Parte speciale*, vol. I, 3^a edizione, Zanichelli, Bologna, 2002, capp. 2 e 3 (pagg. 153-426);

- **S. CANESTRARI - A. GAMBERINI - G. INSOLERA - N. MAZZACUVA - F. SGUBBI - L. STORTONI - F. TAGLIARINI**, *Diritto penale. Lineamenti di parte speciale*, Monduzzi, Bologna, 2^a edizione, 2000, capp. 6, 7 e 8 (pagg. 271-384).

- **S. CANESTRARI - G. FORNASARI**, *Nuove esigenze di tutela nell'ambito dei reati contro la persona*, CLUEB, Bologna, 2001, a scelta, o
pagg. 1-97 (i contributi di Canestrari e Bonfiglioli) o
pagg. 99-185 (i contributi di Cagli e Tassinari) o
pagg. 255-335 (il contributo di Bonini) o
pagg. 337-445 (il contributo di Fornasari).

or

- **A. BIONDI - A. DI MARTINO - G. FORNASARI**, *Delitti contro la Pubblica Amministrazione*, Giapichelli, Torino, 2003, (in corso di pubblicazione);

- **S. CANESTRARI - A. GAMBERINI - G. INSOLERA - N. MAZZACUVA - F. SGUBBI - L. STORTONI - F. TAGLIARINI**, *Diritto penale. Lineamenti di parte speciale*, Monduzzi, Bologna, 2^a edizione, 2000, capp. 3 (pagg. 155-205) e capp. 6, 7 e 8 (pagg. 271-384).

- **S. CANESTRARI - G. FORNASARI**, *Nuove esigenze di tutela nell'ambito dei reati contro la persona*, CLUEB, Bologna, 2001, a scelta, o
pagg. 1-97 (i contributi di Canestrari e Bonfiglioli) o
pagg. 99-185 (i contributi di Cagli e Tassinari) o
pagg. 255-335 (il contributo di Bonini) o
pagg. 337-445 (il contributo di Fornasari).

Instead of the above texts, attending students may prepare materials agreed with the lecturers.

CRIMINAL LAW ON INFORMATICS - ADVANCED COURSE (SEMI-ANNUAL)

Prof. Lorenzo Picotti - Dr. Giorgio Pica - Dr. Carlo Sarzana di Sant'Ippolito

PREREQUISITES

This recently introduced semi-annual course complements those on Private Law of Informatics and Electronic Commerce Law.

Students should have successfully completed the course on Criminal Law I and have an interest in criminal and criminological subjects. Moreover, a good grounding in information technology is required, so that attendance on the courses on Legal Informatics and Private Law on Informatics is recommended.

PROGRAMME AND MINIMUM LEARNING TARGETS

The programme starts with analysis of the new forms of IT-based crime and unlawful behaviour (so-called *computer crime* and *cyber crime*) manifest in all areas of social and economic life.

The first part of the course provides an overview of the most important gaps in legal protection against the criminal use of new technologies, bearing in mind the principle of strict interpretation and the prohibition of analogy *in malam partem*.

The second part will examine legislation since the 1990s which has introduced or reformulated provisions contained in the Criminal Code and supplementary laws in order to punish computer crimes.

The third part of the course conducts comparison with other legal systems which have introduced similar legislation, and it also discusses international (mainly EC) Recommendations, Directives and sources.

The course will finally address the problems arising from the widespread use of the Internet, the regulation of which, primarily criminal, still requires thorough definition. Such regulation is impeded by legal-normative factors as well as by the difficulty of striking a balance between the freedom of expression and communication (which finds broadest scope on the Internet), and the protection of other rights like privacy, human dignity, and secure legal and trading relations on the other.

STRUCTURE

Due the specialized nature of the course and the novelty of its subject matter, it is organised on two levels. Formal lectures will be flanked by practical sessions on specific cases and sectors.

Online access will be available to legal materials as well as to a forum for debate and the exchange of ideas.

PREPARATION FOR THE EXAMINATION

Attendance on the course is compulsory. In the case of unavoidable absence, students must ensure that they obtain the materials and notes for the lessons that they have missed. The examination will assess knowledge of the contents of the lectures and practical sessions.

SUGGESTED READING

There is lack of specific textbooks, and references will be provided during the lectures and the practical sessions. Compulsory reading materials are the following:

PICOTTI L., entry *Reati informatici*, in *Enciclopedia giuridica Treccani*, updating, Roma, 1999;

And at least one of the following:

a) on piracy and copyright: SEMINARA S., *La pirateria su Internet e il diritto penale*, in *AIDA*, 1996, 183 s. (or in *Riv. trim. dir. pen. econ.*, 1997, 71 s.);

b) on data protection: VENEZIANI P., *Beni giuridici e tecniche di tutela penale nella nuova legge sul trattamento dei dati personali: prime osservazioni*, in *Riv. trim. dir. pen. econ.*, 1997, 135 s.;

c1) on criminal issues concerning the Internet: SIEBER U., *Responsabilità penali per la circolazione di dati nelle reti internazionali di computer. Le nuove sfide di Internet* (Italian translation under direction of Sforzi M.), in *Riv. trim. dir. pen. econ.*, 1997, 743 s. e 1193 s.;

or:

c2) PICOTTI L., *Profili penali delle comunicazioni illecite via Internet*, in *Il diritto dell'informazione e dell'informatica*, 1999, n. 2, pp. 283-330; ID., *Fondamento e limiti della responsabilità penale dei Service-providers in Internet*; and *La responsabilità penale dei Service-providers in Italia*, in *Diritto penale e processo*, 1999, n. 3, p. 379-386; n. 4, p. 501-506.

Also recommended is PECORELLA C., *Il diritto penale dell'informatica*, Cedam, Padova, 2000; and of PICOTTI L. (under direction of), *Il diritto penale dell'informatica nell'epoca di Internet*, atti del Convegno di Trento 22-23 ottobre 1999, Cedam, Padova, 2000 (forthcoming).

CRIMINAL PROCEDURE

Dr. Marcello Luigi Busetto

PROGRAMME:

The criminal trial since the reforms of 1999-2001.

Part One: general principles. Constitutional principles and international rules. Types: accusatorial, inquisitorial and mixed systems. The law in force: the original system, the reforms of 1992, more recent constitutional and ordinary legislation. Fundamental notions: subjects, documents and invalidity, proof, precautionary measures.

Part Two: the 'dynamic' of the trial of first instance: proceedings and the right to silence and the admissibility of evidence. Outline of the system of appeals.

Seminars, practical sessions and other teaching activities will be announced during lectures.

SUGGESTED READING:

AA. VV. , *Compendio di procedura penale*, a cura di G. Conso e V. Grevi, Padova, ed. Cedam, 2000, (escluse pagine 878-1011), integrato con l'appendice di aggiornamento del giugno 2001 (in particolare: pagine 53-176).

or

- **D. SIRACUSANO, A. GALATI, G. TRANCHINA, E. ZAPPALÀ**, *Diritto processuale penale*, Milano, ed. Giuffrè, volumi I e II (escluse pagine 581-703 del volume II) 2001, a sua volta integrato con l'appendice di aggiornamento indicata sopra (G. Conso, V. Grevi, giugno 2001; in particolare, pagine 53-176).

Students should possess a revised edition of the Code of Criminal Procedure. One of the following is recommended:

- **G. Ubertis**, *Codice di procedura penale*, Milano, ed. Raffaello Cortina, 2001
- **G. Spangher**, *Codice di procedura penale*, Torino, ed. Giappichelli, 2002
- **M. Chiavario, D. Manzione, T. Padovani**, *Codici e leggi per l'udienza penale*, Bologna, ed. Zanichelli, 2002

CRIMINOLOGY

Prof. Ernesto U. Savona

PREREQUISITES:

There are no special requirements for the course although it is recommended that students take the examination in their third year.

CONTENTS AND PURPOSES OF THE COURSE:

The aim of the course is to introduce students to criminal behaviour and to analysis of reactions to it by the criminal justice systems.

From the twofold perspective of the perpetrator and the victim, crime carries individual as well as social costs detrimental to the individual, familial, social, political and economic equilibrium of contemporary social systems.

Criminality, in the twofold process of localisation and internationalisation, is a problem common to both developed and developing countries and which causes growing alarm in the international community. The concentration of crime, usually violent, among young people and in metropolitan areas is the process of localisation; the growth of international criminal organisations brought about by the globalisation of markets and rapid technological development is the process of internationalisation. The latter is altering the structures and activities of organizations which now operate for profit in the same manner as legal enterprises by undertaking new forms of unlawful activity.

These two processes result from several factors, and they are shaping the criminal problems at the beginning of the third millennium, modifying the concepts, theories and methods of analysis of crime, as well as the methods used to repress it. Criminal law, penalties and imprisonment are insufficient, and they reflect cultural limitations that impede harmonization with the criminal law systems of other countries. Conventional police forces and judiciaries find it difficult to establish effective international cooperation against the new forms of crime and against changes in traditional ones.

Today, international debate and wide-ranging research enable criminologists to propose answers to these problems, assisting the legal practitioners of tomorrow to counteract local and trans-border crime.

PROGRAMME:

Since the course is optional, it assumes that the student will regularly attend all the activities organized into the following modules:

Modules:

1. Definition of crime
 - What is a crime and who is a criminal? Definitions vary according to culture, religion, politics, economy, time and space
 - The perception of criminality and the reaction of the criminal law system. A comparison between official and social reactions
2. Dimensions of criminality
 - How many crimes, how many criminals, how many victims? Methods and techniques to quantify crime in Italy and other countries. Crime trends at the national and international level.

- The localisation/internationalisation of crime in developed, developing countries and countries in transition
- 3. Knowing and explaining crime
 - Criminology and other sciences
 - Bio-anthropological, psychodynamic, sociological and economic theories
- 4. Personality disorders and their criminal and judicial implications
 - Perpetrators of crime and their victims
 - Serial killers, sexual violence and paedophilia
 - The problem of criminal responsibility
- 5. Forms and types of crime
 - Common crime, terrorism and economic crime
 - From individual to organized crime
 - Forms of crime in Italy and in the world
 - Criminal law systems and organized crime
 - Seminar on money laundering. Methods and techniques of money laundering and policies to combat it
 - Demographic growth and criminological issues at the beginning of the twenty-first century. Seminar on migration and crime
 - Seminar on economic crime
 - Economic crimes. Seminar on national and international fraud and corruption.
- 6. Institutions fighting crime
 - From charging to sentencing. The criminal system of justice
 - Which sanction for which criminal? The problem of the deterrent effect of sanctions and the individual, social and economic costs of punishment. Human rights and imprisonment
 - The problem of the treatment in prisons and alternatives to imprisonment
 - Equity and efficiency problems in the workings of the criminal system

S. Adamoli, A. Di Nicola, C. Fancello, and A. Scartezzini will hold supplementary seminars.

ASSESSMENT METHODS AND SUGGESTED READING:

Attending students will receive materials on the topics analysed during the course and the seminars; the final examination will be based on these materials, together with individual lecture notes. The structure of the course requires attendance. However, bibliographical references (a text book together with an supplementary essay) for non-attending students wishing to sit the examination will be provided during the course.

CRIMINOLOGY -ADVANCED COURSE (SEMI-ANNUAL)

Prof. Ernesto U. Savona

Visiting professor: Dr. Michael A, DeFeo, Assistant Director, Federal Bureau of Investigation, Kansas City (Missouri - USA).

THEME:

Organised economic crime in the European Union and Eastern European countries: analysis of trends and statutory remedies.

PREREQUISITES:

Attendance on the basic criminology course and knowledge of English are required.

CONTENTS AND PURPOSES:

The aim of the course is to analyse the increasingly close connection between organized crime and economic crime.

The first part of the course will be conducted by Prof. Savona and will examine concrete cases of the internationalisation of organized economic crime in the EU member states and the countries of Eastern Europe. Dealt with in particular will be crimes like fraud, corruption and money laundering, the purpose being to show the increasing organizational complexity and specialisation of organized economic crime; trends which require a general rethinking of policies to prevent and control the phenomenon.

The second part of the course will therefore examine these policies. With particular regard to the European Union, Dr. DeFeo will analyse statutory measures for the prevention and repression of organized economic crime, as well as the institutions that implement them, in order to identify their benefits and shortcomings.

ORGANISATION:

The course takes the form of a series of seminars. A syllabus of the topics treated by each lecture and bibliographical references will be distributed to students.

Assisting on the course will be S. Adamoli, A. Di Nicola, C. Fancello and A. Scartezzini.

EXAMINATION:

With the assistance of the TRANSCRIME tutors, the students will write a paper on a topic covered by the course. This paper will be discussed during the examination session.

For information and enrolment on the course apply to Prof. Ernesto U. Savona C/o TRANSCRIME - Faculty of Law, via Inama 5- Trento - tel. 0461882304.

DOMESTIC AND INTERNATIONAL ARBITRATION LAW (SEMI-ANNUAL)

Prof. Belinda Sifford

ALTERNATIVE DISPUTE RESOLUTION (ADR)

CONTENTS AND PURPOSES:

The course deals with the alternative techniques of dispute settlement that have grown increasingly common in recent years, first in the legal system of the United States of America and latterly in Europe. Comparative study yields good knowledge of recent developments in domestic and international disputes.

Part of the course will consist of seminars conducted by Professors Gian Antonio Benacchio, Lorenzo Picotti and Carlo Zoli and which analyse the development of alternative techniques of dispute settlement in particular sectors of law: consumer protection, criminal law and labour law.

A knowledge of English is required to follow the lectures and to read the materials distributed during the course.

The examination will be conducted by Professor Sifford on conclusion of the course. Students may choose whether to take the examination in English or Italian.

SUGGESTED READINGS:

Reading material (duplicated lecture notes, arbitration rules of Italian and international institutions, statutes) will be announced at the beginning of the course.

ECCLESIASTICAL LAW

Dr. Erminia Camassa

PREREQUISITES:

Students must have already passed the examination in Principles of Public Law. Students who have chosen both Canon and Ecclesiastical Law should preferably first attend the course on Canon law.

PROGRAMME:

The course examines religion in its individual and social dimensions, and its regulation under the national law.

The first part of the course conducts historical analysis of the methods used by states to regulate their relationships with religious faiths and examines the evolution and nature of religious freedom.

The second part deals with the Italian Constitution's provisions on religion and the guarantees of religious freedom for individuals and groups set out by statutes and bilateral agreements.

Particular attention will be paid to the relationship with non-Roman Catholic religions and to recent issues addressed by ecclesiastical law, such as conscientious objection, bioethics, and the public funding of religious movements.

AIMS OF THE COURSE:

The main purpose of the course is to show that ecclesiastical law as the study of the relationship between the state and the Catholic Church is by now superseded and today concerns the relationship between the state and all religious confessions, although it is still the legal discipline most close to human consciousness and the spiritual dimension.

STRUCTURE OF THE COURSE:

Lectures will focus on recent case law. Students may write papers on selected subjects. Seminars on Islamic law will be held during the course.

ASSESSMENT EXAMINATION:

The exam will take the form of an oral interview. Attending students may split the examination programme if they pass a written progress test during the course.

SUGGESTED READING:

For non-attending students:

F. FINOCCHIARO, *Diritto ecclesiastico*, Zanichelli, Bologna, latest ed.

For attending student, one of the following texts:

F. FINOCCHIARO, *Diritto ecclesiastico*, Zanichelli, Bologna, latest ed.

R. BOTTA, *Manuale di diritto ecclesiastico. Valori religiosi e società civile*, Giappichelli, Torino, latest ed.

C. CARDIA, *Manuale di diritto ecclesiastico*, Il Mulino, Bologna, latest ed.

Also suggested, particularly for students attending the seminars on Islamic law, is:

S. FERRARI, *Mussulmani in Italia*, Il Mulino, Bologna, 2000.

ENVIRONMENTAL LAW

Prof. Nicola Lugaresi

CONTENTS AND PURPOSES:

The course examines the relationship between the environment and law, covering the fundamental notions, emphasising problems, and analysing national and European law and its case-law application.

The intention is to provide students with instruments for the comprehension, analysis and interpretation of environmental law.

PROGRAMME:

The course examines environmental questions at the national, European and international levels, the institutes, proceedings and instruments of environmental law, while also analysing a number of specific sectoral issues.

A working knowledge of Public Law and European Community Law is required by the course. Students should already have attended the course on Administrative Law.

Active participation by students is encouraged.

SUGGESTED READING:

Reading assignments will be announced at the beginning of the course.

EUROPEAN PATENT AND TRADEMARK LAW

Prof. Franco Benussi

PREREQUISITES

Students must have already passed the examinations on Business law and European Private Law.

A good knowledge of English or German is required.

CONTENTS AND PURPOSES:

Given the proliferation of European and international law on intellectual property and the increasing importance for businesses of patents, trade-marks and designs, knowledge of industrial property rights has acquired major importance in the industrialized countries. The aim of the course on 'industrial law' is therefore to enhance knowledge of these aspects with a view to the management of industrial property.

PROGRAMME

The programme consists of a general part on the national and international regulation of intellectual property, with particular regard to biotechnological inventions, software, information technology, and the protection of designs and trademarks (Paris Convention, Strasbourg Union Convention; Patent Cooperation Treaty; Madrid Arrangement on trademarks). This is followed by a special component on the European Regulation of trademarks (EC Reg. n°. 40/94), the law on patents (Convention on European patents) and on industrial designs (EC Dir. n°. 98/71 of the European Parliament and Council and Proposal of Regulation 94/C 29/02).

ASSESSMENT EXAMINATION:

The examination will take the form of an oral examination.

SUGGESTED READING

G. SENA, *Il nuovo diritto dei marchi - Marchio nazionale e marchio comunitario*, 2nd ed., Giuffrè, Milan, 1998, pp. 237.

F. BENUSSI, *Il marchio comunitario*, Giuffrè, Milan, 1996, pp. 1-192.

G. SENA, *I diritti sulle invenzioni e sui modelli industriali*, 3rd ed., Giuffrè, Milan, 1990, pp. 1-186, 393-422, 543-588.

EUROPEAN COMMUNITY PRIVATE LAW

Prof. Gian Antonio Benacchio

PROGRAMME:

The course begins with a general part dealing with the sources of EC law, and in particular with the direct and indirect effects on Italian legislation of regulations, directives and decisions by the European Court of Justice; the circulation within the Community of legal models; and the harmonisation of legal rules.

The special part will be devoted to analysis of the main areas of European Community private law: tort law, sale of goods, bank and insurance contracts, contract procurement, electronic commerce, copyright, biotechnology, genetically modified organisms, misleading advertising and consumer protection.

Students intending to take the examination must already have passed those on private law and business law.

SUGGESTED READING:

G. A. BENACCHIO, *Diritto privato della Comunità europea. Fonti, modelli, regole*. Padova, CEDAM, 1998.

An updated text of the EU Treaty.

EUROPEAN COMMUNITY PUBLIC LAW

Prof. Giuseppe Nesi

STRUCTURE OF THE COURSE

The course is introductory in character and aims at equipping students with the basic knowledge and tools for more advanced study of EC law.

It presupposes knowledge of the basic notions of constitutional law, international law and of the relationships between the law on international organisations and the domestic law of member-states, as well as a working knowledge of English or French.

The course divides into a general and a special part.

PROGRAMME

General part.

The integration of the European Community from its origins until today; structural and functional aspects of the European institutions (with particular regard to recent developments in foreign policy and common defence); finances and budgets; Community acts (types, law-making procedures, effects); judicial protection; relationships between EC law and national law; the external relations of the EC; the role of the Regions in implementation of EC Law.

Special part.

Community policies: freedom of movement; legislative harmonisation; competition, economic and monetary policy, social policy, agricultural policy, fishing policy. Special attention will be paid to issues arising from the European Union Charter of Fundamental Rights and the changes introduced by the Treaty of Nice. Only some of these topics will be covered by lectures.

Supplementary activities:

Practical sessions and seminars on specific topics and cases will be held during the course. Information will be provided during the course.

ASSESSMENT EXAMINATION:

The examination consists of a written and an oral part. The written examination will test knowledge of the general part of the syllabus (no texts can be consulted during the examination). The oral examination is usually held within three days of the written one.

A progress test will be administered during the course, the results of which will be taken into account for the final grade.

SUGGESTED READING

General part:

L. FERRARI BRAVO - E. MOAVERO MILANESI, *Lezioni di diritto comunitario*, 3^a edizione, Editoriale Scientifica, Napoli, 2000 (pp. 1-192).

or

G. STROZZI, *Diritto istituzionale dell'Unione Europea. Dal Trattato di Roma al Trattato di Amsterdam*, Giappichelli, Torino, ult. ed.

and

A. TIZZANO, *Il Trattato di Amsterdam*, Padova, CEDAM, 2001

Special part:

L. FERRARI BRAVO - E. MOAVERO MILANESI, *Lezioni di diritto comunitario*, 3^a edizione, Editoriale Scientifica, Napoli, 2000 (pp. 195-599)

oppure

G. STROZZI (a cura di), *Diritto sostanziale dell'Unione europea*, Giappichelli, Torino, 2000

Non-attending students should prepare the further materials available at the Faculty photocopying centre.

Knowledge of the EC Treaties and their modifications is required. The texts of the EU and Amsterdam Treaties are contained in the abovementioned book by Tizzano. Suggested for a better overview of the process of European integration is:

B. NASCIMBENE, *Comunità e Unione Europea, Codice delle Istituzioni*, Giappichelli, Torino, 1999

or

L. FERRARI BRAVO and V. RIZZO, *Il codice dell'Unione Europea*, Giuffrè, Milan, 2000

EUROPEAN AND TRANSNATIONAL CONSTITUTIONAL LAW

Prof. Roberto Toniati

PREREQUISITES

The course presupposes a working knowledge of comparative legal systems, EC law and public law. It is therefore a continuation of courses on the first-year Faculty programme.

COURSE CONTENT AND AIMS

The course examines legal and jurisdictional aspects of the protection of constitutional rights with regard to both Italian law and that of other European countries, and also in relation to EC law. The relationship between law and jurisprudence typical of the constitutional rule of law is expressed in the constitutional law of the legal systems studied by the course. At the same time, the evolution of European law (due largely to the Court of Justice) and the case law of the European Court of Human Rights have given greater complexity to the system of guarantees and raise further problems consequent on the plurality of legal instances. These trends are a distinctive feature of contemporary constitutionalism and mark out the area of 'transnational law'. The jurist is therefore required to have a good knowledge of the constitutional rule of law, judicial systems, the organs of constitutional justice, and the relative sources and techniques of interpretation. The course not only examines these aspects as regards national the EC legal systems but also develops the critical awareness and the ability to analyse problems and find solutions required of the European jurist; for which purpose the direct study of case law is indispensable.

PROGRAMME

The course programme covers the following topics: the protection of constitutional rights; law, jurisdiction and constitutional guarantees and the relationships between legislation and jurisdiction in light of the principles of the rule of law; the role, interpretative techniques and decisions of the organs of justice; the circulation among legal systems of the general interpretative principles of jurisprudence.

Students will be encouraged to take an active part in discussion. Two progress tests will be administered during the course.

EXAMINATION

The examination will be both written and oral. The rote repetition of the course texts will not be sufficient to pass the examination. Students who have demonstrated a satisfactory level of knowledge in the written examination will be admitted to the oral examination.

SUGGESTED READING

1. **G. MORBIDELLI - L. PEGORARO - A. REPOSO - M. VOLPI**, *Diritti costituzionale italiano e comparato*, Moduzzi Editore, Bologna, II ed., 1997, Limitatamente ai capitoli I,II,III,(pp. 1-161), VII (pp. 683-758) e X (pp. 845-954)
2. A collection of jurisdictional decisions selected and with a commentary by the lecturer (available at the photocopy centre).

FINANCIAL BROKERAGE LAW (SEMI-ANNUAL)

Dr. Giuseppe Catalano – Dr. Filippo Sartori

PURPOSES OF THE COURSE:

The aim of the course is to provide students with understanding of the legal problems and challenges raised by the interweaving between financial markets and technology, an area in which civil and commercial law combine with self-regulation. Particular attention is paid to the regulation of what has come to be known as the 'new economy'.

PREREQUISITES:

Although not mandatory, students should have already passed the examination on Business Law.

PROGRAMME:

After reviewing the current state of financial intermediation, the course analyses standard contracts for specific financial products (primarily OTC derivatives), the actual and potential influence of new technologies on these products, with particular regard to on-line trading and the so-called 'dematerialisation' of financial instruments..

The course concludes by examining the liberalization of market management and services, and the issue of investment soliciting, also by means of public stock offers.

- A) "Financial products" in the light of statutory and case-law developments
- B) Objective and subjective definitions in the consolidated text of the Financial Act
- C) Prudential rules and ethical behaviour in investment services
- D) Regulated and deregulated markets
- E) Centralized management of financial instruments in the dematerialization regime
- F) Investment soliciting in the consolidated text of the Financial Act.

SUGGESTED READING:

The lecturer will announce reading materials at the beginning of the course.

FINANCIAL LAW (SEMI-ANNUAL)

Dr. Luca Malagù

SYLLABUS

1. Legal aspects of public finance

Public revenues, public expenditure, instruments of public finance management, the public debt.

2. Public revenues

2.1 General aspects of public revenues. Ordinary and extraordinary receipts, tax revenues, taxes;

2.2 Taxes. Constitutional principles, passive and active subjects, structure, transitory debt, constitution and extinction, taxation systems.

3. Public expenditure

Establishment, development, classification and management

4. Public debt

Establishment, classification, duration

5. Instruments of public finance management

5.1 the state budget, Regions and municipalities.

Nature, constitutional principles, legal features, structure, approval procedures, management procedures, controls

5.2 Report, economic and financial planning document, the budget law and related legislation.

AIMS

Attendance on the course is officially recorded. Regular attendance is recommended, given the recent reforms made to the structure and management of state and municipal budgets.

STRUCTURE

The course will be held in the second semester, according to the Faculty calendar. It will consist of lectures and seminars depending on requirements and number of attendees.

SUGGESTED READINGS

- G. STEFANI, *Economia della finanza pubblica*, Cedam, Padova, 1999, fino a pag.

- FAZIO, *Il bilancio dello Stato*, Giuffrè, Milan, 1992, fino a pag. 209 e appendice di aggiornamento del 1996.

GENERAL THEORY OF LAW (JURISPRUDENCE)

Prof. Maurizio Manzin

The course divides into two distinct modules which conduct critical examination of the evolution of the concepts of 'order' and 'legal order' from the logical and chronological points of view, and their extension to the general theory of law.

During the course, seminars will be by lecturers and experts on particular topics on the syllabus.

FIRST MODULE:

The historical sources. 1. Identity and difference at the origin of the question of order: Plato's 'parricide'; 2. the one and the many in neo-Platonic theory: from Plotinus to Diogenes; 3. the medieval sources: Augustin, Isidore of Seville, the *Liber de causis*, John Scotus Eriugena; 4. modernity and the scientific order; 5. post-modernity and the concept of 'system'.

SECOND MODULE:

The 'logic' of the system and the order of normative sources. Coherence and verifiability of axiomatised systems applied to legal science: the practical syllogism and the ascertaining of fact in jurisdiction. Dialectic and rhetoric as logical procedures in non-axiomatised logical-normative systems.

PRACTICAL SESSIONS:

1. Dr. Paolo Sommaggio: 'The Concept of 'Person' in Jurisprudence'.
2. Dr. Federico Puppo: 'Order and Truth in the Thought of St Augustin' (practical sessions on the examination text).
3. Dr. Federico Puppo: 'Sophocles' *Antigone*'.
2. Dr. Federico Brangian: 'Punishment and Atonement' (practical sessions on the examination text) .

SUGGESTED READING:

For attending students, lecture notes and:

MAURIZIO MANZIN, *Ordine politico e verità in S. Agostino. Riflessioni sulla crisi della scienza moderna*, Padua, CEDAM, 1998.

For non-attending students:

MARIO JORI, ANNA PINTORE, *Manuale di teoria generale del diritto*, Turin, Giappichelli, 1995;

MAURIZIO MANZIN, *Ordine politico e verità in S. Agostino. Riflessioni sulla crisi della scienza moderna*, Padua, CEDAM, 1998.

Pena e riparazione, edited by F. CAVALLA and F. TODESCAN, Padua, CEDAM, 2000.

PAOLO MORO, *La via della giustizia. Il fondamento dialettico del processo*, Pordenone, Libreria al Segno Editrice, 2001.

FRANCESCO CAVALLA, *La verità dimenticata. Attualità dei presocratici dopo la secolarizzazione*, Padua, CEDAM, 1996.

HISTORY OF CANON LAW (SEMI-ANNUAL)

Prof. Ruggero Maceratini

PREREQUISITES:

There are no mandatory prerequisites for attendance on the course.

PURPOSES OF THE COURSE:

The aim of the course is to provide students with general information on the history of canon law. It is therefore complementary to the course on canon law, and also links with the other historical disciplines taught in the faculty. Consequently, besides problems of methodology and a general overview of the history of church law, the course deals with individual institutes of that particular body of law.

PROGRAMME:

1. Canon law and history
2. The periodization of the history of canon law
3. The sources of canon law: some distinctions
4. The evolution of the sources of knowledge on canon law, from its origins until the Codex of 1917
5. Classical canon law
6. The *Corpus juris Canonici*
7. The *Primato Petri*: evolution until its medieval apogee.

STRUCTURE

The course will consist of a series of lectures and, according to the circumstances, seminars held by lecturers from other universities. Attending students may be asked to write short papers on topics covered by the lectures. The examination will take the form of an oral interview.

SUGGESTED READING

- L. MUSSELLI, *Storia del diritto canonico. Introduzione alla storia del diritto e delle istituzioni ecclesiali*, Torino 1992; in alternativa gli appunti delle lezioni integrati con indicazioni bibliografiche che verranno fornite nel corso delle stesse.

HISTORY OF EUROPEAN LAW - ADVANCED COURSE (SEMI-ANNUAL)

Prof. Gerard Dilcher

The purpose of the course is to show the foundations of Western European legal culture. Lectures will be based on the reading and critical analysis of source texts, summaries, and discussion of similarities and differences between law in northern Europe (especially Germany), with its long predominance of customary law, and in southern Europe (especially Italy) with its stronger Roman-Latin tradition. The course will analyse the topics set out below, ranging from the 'new' Carolingian Europe, through the medieval 'revolutions' and 'innovations', the early modern age and its codifications, to contemporary phenomena like the dissolution of legal systems and globalization.

The course will be held during the second semester, in the months of April and May 2003, and it will consist of 32 hours of lectures plus examinations. The programme will cover the following topics.

1. From the Roman Empire to medieval Europe: geography, political structure, cultural traditions and societal norms.
2. Empire, kingdoms, church: from Charlemagne to the 'renovatio' of the twelfth century.
3. The 'Papal revolution' and the Church as a juridical form (the first 'state' in European history).
4. The common citizen as a source of legal legitimacy.
5. The rural seignior. Customs and local law. The law on agricultural produce in the Europe of the *Ancien Régime*.
6. The formation of the state. The legislative power of the Prince. Religion, confessionality and law. Positive law and codification.
7. From contractualism to constitutionalism.
8. Codification and decodification. The law as a state normative system ('legal absolutism') and the forces responsible for its decomposition.

SUGGESTED READING

Reading assignments will be announced during the first lecture.

HISTORY OF ITALIAN LAW

Prof. Giovanni Rossi

PROGRAMME:

The course will be introductory in character and will cover the principal characteristics of medieval and modern law, mainly by examining legal thought in the late Middle Ages and *jus commune* and legal science in the early modern age.

The course divides into two parts:

The general part deals with the medieval normative system and legal sources, examining the plurality of independent legal systems and the problem of their harmonisation and coordination. To this end, it surveys the various sources of law in the late Middle Ages, paying particular attention to the role of legal doctrine as developed in the universities. Attention then shifts to the development of the typical features of modern law (rise of the state, rationalisation of legal sources, pre-eminence of legislative power) until the demise of the political-legal system of the *Ancien Régime*.

The special part of the course deals with *opinio communis*, conducting direct analysis of original source materials (sixteenth-century especially) to do so. The focus will be on the legitimacy of recourse to *opinio communis* by the judicial machinery, highlighting the evolution of its use in trial proceedings.

SUGGESTED READING:

P. GROSSI, *L'ordine giuridico medioevale*, Roma-Bari, Laterza, 1995.

G. ROSSI, *La "communis opinio doctorum"*. Lacune della legge, principio di autorità e decisione del giudice. Corso di lezioni, Torino, Giappichelli, 2000.

For non-attending students:

P. CARONI, *Saggi sulla storia della codificazione*, Milan, Giuffrè, 1998.

HISTORY OF MODERN CODIFICATIONS

Prof. Giampaolo Zucchini

PROGRAMME

The course concentrates on constitutional developments and legislative reforms in the Italian states of the eighteenth and nineteenth centuries from the Age of Revolution to the Restoration.

The 1800s were years of social-political revolution and therefore of sweeping constitutional reform and the superseding of Roman and feudal law by modern law. The first half of the nineteenth century saw radical reaction to modernity and an endeavour to re-establish the order of the *Ancien Régime*. The ancient Italian states were affected by the dramatic events of Jacobin and Napoleonic Europe and introduced sometimes radical projects to reform their legal systems. Some of the most significant of these reforms are examined by the course, with particular regard to constitutional comparison between ancient and modern as the driving ideological force behind constitutional and revolutionary progress.

During the course, Dr Maria Teresa Lopreiato will conduct a seminar on "Citizenship Rights in the Modern Age".

SUGGESTED READING

For students attending the course, the examination will evaluate knowledge of the following texts:

- **R.BONINI**, *"Crisi del diritto, consolidazioni e codificazioni nel Settecento europeo"*, II ed. aumentata, Patron, Bologna, 1988
- **M.FIORAVANTI**, *"Costituzion"*, il Mulino, Bologna
- **C.GHISALBERTI**, *"Dall'Antico Regime al 1848. Le origini costituzionali dell'Italia moderna"*, Laterza, Bari-Roma, 2001
- **N.BOBBIO**, *"La teoria delle forme di governo nella storia del pensiero politico"*, Giapichelli, Torino

Non-attending students should prepare the following texts:

- **A.BARBERA**, a cura di, *"Le basi filosofiche del costituzionalismo"*, La Terza, Bari-Roma
- **M.FIORAVANTI**, *"Costituzione"*, Il Mulino, Bologna
- **C.GHISALBERTI**, *"Dall'Antico Regime al 1848. Le origini costituzionali dell'Italia Moderna"*, La Terza, Bari-Roma, 2001
- **C.REBUFFA**, *"Costituzioni e Costituzionalismi"*, Giapichelli, Torino

Suggested as supplementary reading is any high-school textbook on the Age of Revolution and Restoration.

HISTORY OF MODERN LEGAL THOUGHT

Prof. Diego Quaglioni

PROGRAMME

- Historiographical introduction
- Legal-philosophical and historical problems
- The 'functionalist' paradigm of justice
- The pre-modern conception of justice
- The classical tradition
- The Old Testament tradition
- Justinian Roman law
- The Romanist tradition and the Church
- Justice in the patristic tradition
- Justice and 'aequitas'
- The canon law tradition
- Justice in the early civil law: the *Glossa*
- Justice between theology and law: Aquinas
- The 'Thomism' of jurists between the Middle Ages and the Modern Age
- The crisis of medieval natural law
- The humanist paradigm of justice
- The 'harmonious' ideal of justice in Renaissance legal thought
- Law and justice in the 'crisis of European conscience'
- The return of natural law
- Romanist tradition and legal humanism in Grotius
- The 'Prolegomena' to *De iure belli ac pacis*
- Modern natural law
- Selden, Pufendorf, Heinecke, Burlamaqui, Barbeyrac, Rousseau
- The Kantian conception of justice
- The Kantian legacy in modern legal thought
- Justice and legal absolutism
- The crisis of modernity and justice

STRUCTURE

The course comprises 54 hours of lectures. Students may be asked to do exercises and write papers. Tutorials will be conducted during the course by Dr. Stefania Stoffella.

SUGGESTED READING

Attending students should prepare one of the following texts for the examination:

- *L'idea di giustizia da Platone a Rawls*, a c. di S. MAFFETTONE e S. VECA, Roma-Bari, Laterza, 1997.
- Hans Kelsen, *Il problema della giustizia*, a c. di M.G. LOSANO, Torino, Einaudi, 1998.
- Gustavo Zagrebelsky, *Il diritto mite. Legge diritti giustizia*, Torino, Einaudi, 1992

Non-attending students should prepare one of the above texts plus one of the following:

Filippo LIOTTA (Ed.), *Studi di storia del diritto medievale e moderno*, Bologna, Monduzzi, 1999.

Paolo PRODI, *Una storia della giustizia. Dal pluralismo dei fori al moderno dualismo tra coscienza e diritto*, Bologna, Il Mulino, 2000.

Italo BIROCCHI, *Alla ricerca dell'ordine. Fonti e cultura giuridica nell'età moderna*, Torino, Giappichelli, 2002.

HISTORY OF POLITICAL DOCTRINES

Prof. Paolo Carta

PROGRAMME:

The course surveys history, law, politics and religion in the sixteenth century.

- The *Mémoires* of Philippe de Commines: history and testimony.
- Girolamo Savonarola: prophecy and politics.
- From law to politics: Niccolò Machiavelli and Francesco Guicciardini.
- The Italian anti-tyrannical tradition.
- The political thought of the Reformation.
- Italian exiles and European political thought.
- Politics and ethics in early sixteenth-century France:
 - E. de la Boétie, T. de Bèze, F. Hotman, I. Gentillet.
- Jean Bodin: the limits of sovereignty.
- The Italian reformers and Europe: Pucci, Bruno and Campanella.
- The problem of credulity in the sixteenth century.
- The debate on *raison d'État*.
- *Raison d'État*: Michel De Montaigne and Pierre Charron.

SUGGESTED READING

Attending student should prepare the following texts for the examination:

- *Il pensiero politico dell'età moderna, a cura di Andreatta - A. E. Baldini*, Turin, UTET, 1999.
- P. CARTA, *Nunziature ed eresia nel Cinquecento. Nuovi documenti sul processo e la condanna di Francesco Pucci*, Padua, CEDAM, 1999.

Non-attending students should prepare the following texts for the examination:

- *Il pensiero politico dell'età moderna, a cura di Andreatta - A. E. Baldini*, Turin, UTET, 1999.
- D. QUAGLIONI, *I limiti della sovranità*, Padua, CEDAM, 1992.

HISTORY OF POLITICAL DOCTRINES - ADVANCED COURSE (SEMI-ANNUAL)

Prof. Ermanno Bencivenga

PROGRAMME

The course will conduct close analysis of Immanuel Kant's *Metaphysics of Customs* framed within a general interpretation of the transcendental philosophy and its relations with the pre-Kantian philosophical tradition. The focus will be on the logical construction of ethical-juridical judgements about the world and how these judgements are empirically substantiated in Kant's theories. Assessed as a consequence will be whether the historical impermanence of such theories is a conceptual difficulty for judgement as such.

SUGGESTED READING:

Metafisica dei costumi, di Immanuel Kant, Laterza.

and as a reference text:

La rivoluzione copernicana di Kant, di Ermanno Bencivenga, Bollati Boringhieri

HISTORY OF ROMAN LAW

Dr. Nicola Demetrio Luisi

PREREQUISITES

No knowledge of Latin is required for attendance on the course, nor are there any other prerequisites. However, prior attendance on the courses in Constitutional Law and Criminal Law 1 is recommended.

CONTENTS AND PURPOSES:

The course analyses constitutional and criminal aspects of the Roman system during the period of the Republic, given that knowledge of the problems addressed by the Roman jurists sheds light on those addressed by contemporary debate. As a consequence, the course first examines the constitutional order of the Republican period, and in particular the relationships among institutions, the political struggle among social classes, international relations, and the most significant political events of the period. Against this background, it will be possible to understand the “material” constitution that characterised the Roman public law system. Attention will focus on concepts still in use today, like constitution, power, state, organ, action, privilege, power, etc.

The second part of the course will examine the “political trial” during the Republican period. After illustrating the structure of the Roman trial, and analysing the fundamental concepts of Roman criminal law and criminal procedure, it will analyse individual cases in terms of oratory (rhetorical techniques, trial strategies, forms of address), using historical and literary materials for the purpose.

PROGRAMME

The course divides into a general part and two special modules (one of which to be selected by students).

General part:

Introduction:

- Usefulness of the historical study of law for the modern jurist
- Concepts of modern public law and their applicability to Roman law
- Democracy, oligarchy, aristocracy, monarchy, dictatorship, state

Public Roman law

- The Republican Roman constitution
- Constitutional organs
- Powers and functions
- Social classes
- Relationships among institutions
- The Roman constitution as a “material” constitution

Special module A:

Roman criminal law and trial

- Concepts
- Evolution of the criminal trial

- Common crimes and “political” crimes
- Sanctions (monetary and physical)
- The political trial in Rome
- Case-law analysis
- Elements of judicial rhetoric

STRUCTURE OF THE COURSE:

The course will be based on formal lectures, during which reading materials will be announced or distributed. Supplementary lectures will be delivered by staff from other faculties, and a programme of specialist seminars is scheduled. The examination will take the form of an oral interview. Attending students will be given written tests which will be included in the final assessment.

Attending students may write a paper on a topic agreed with the lecturer.

SUGGESTED READING

General part:

F. AMARELLI, L. DE GIOVANNI, P. GARBARINO, A. SCHIAVONE, U. VINCENTI, *Storia del diritto romano*, Torino, Giappichelli, 1999 (only Part I Chapter I, Part II Chapters III.II, Part III)

Special part A

B. SANTALUCIA, *Diritto e processo penale nell'antica Roma*, II ed., Giuffrè, Milan, 1998 (Chaps. II-III-IV-V);

or

C. VENTURINI, *Processo penale e società politica nella Roma repubblicana*, Pacini editore, Pisa, 1996 (Chaps. III - IV - VI);

Attending students may prepare lecture notes instead of some of the above texts.

Further suggested reading:

E. BETTI - P. de FRANCISCI, *Questioni di metodo*, G. LURASCHI e G. NEGRI (eds.), Como, New press, 1997;

C. NICOLET, *Il mestiere di cittadino nell'antica Roma*, editori riuniti, Roma, 1992 (Chaps. I, II, VII, IX);

E. GABBA, D. FORABOSCHI, D. MANTOVANI, E. LO CASCIO, L. TROIANI, *Introduzione alla Storia di Roma*, Edizioni LED, Milan, 1999 (Chaps. III, IV, V, VI, VII, IX, X)

INTERNATIONAL COMMERCIAL LAW

Dr. Roberto Ceccon – Dr. Federico Ortino

PREREQUISITES:

The course is intended for students who have already passed the faculty examinations on private and commercial law.

PROGRAMME

Part 1: International trade

Sources of international trade law

The international contract

Formation and conclusion of a contract

The main contract clauses

The harmonisation of international trade contracts

Individual contractual features (sale, franchising, factoring, agency, etc.)

Part 2: International Commercial Arbitration

Principles of international commercial arbitration

Types of contract: agency, distribution, franchising

Dispute settlement: international commercial arbitration

SUGGESTED READING

Study materials will be announced at the beginning of the course.

INTERNATIONAL LAW

Prof. Mauro Politi

PROGRAMME:

The course divides into two parts, a general and a special one.

General part: history of international law, the subjects of international law, sources of law, the implementation and enforcement of international law, international law and domestic law, the international liability of states.

Special part: structure, acts and functions of the United Nations.

The examination will assess knowledge of the Charter of the United Nations, the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties, and the 1950 European Convention on Human Rights and Fundamental Freedoms, the NATO Treaty, the Statute of the International Criminal Court.

Practical sessions and seminars on specific topics will be organised during the course.

ASSESSMENT METHOD:

The examination will take the form of an oral interview. Attending students may be asked to take one or more written tests during the course.

SUGGESTED READING:

General part:

B. CONFORTI, *Diritto internazionale*, 5th revised and updated edn., Napoli, Editoriale Scientifica, 1999

R. SAPIENZA, *Diritto internazionale, Casi e materiali*, Giappichelli, Torino, 1999

Special part:

B. CONFORTI, *Le Nazioni Unite*, 6th edn., CEDAM, 2000

The treatises and documents to be prepared for the examination can be found in:

R. LUZZATTO, **F. POCAR**, *Codice di diritto internazionale pubblico*, Giappichelli, Torino, 1998.

Further bibliographical references will be given during the course.

INTERNATIONAL PRIVATE LAW

Prof. Patrizia De Cesari

PREVIOUS KNOWLEDGE REQUIRED:

Students should have a good knowledge of Italian civil procedure.

PROGRAMME:

The subject of the course will be private international relationships as regulated by Act 218 of 31 May 1995 and by the main international conventions. The following topics will be examined in particular:

- notions of private international law: the law applicable
- international civil procedure: jurisdiction, derogation, *lis alibi pendens*;
- main innovations introduced by Act 218 of 31 May 1995
- conflict rules: structure and functions
- problems of interpretation and application of private international rules: qualification, preliminary questions, pluralistic legal orders, doctrine of renvoi, public policy, mandatory rules
- the role of international conventions:
- recognition and enforcement of foreign judicial decision and acts;

Special part: regulation of contractual obligations with reference to the Rome Convention of 1980; jurisdiction and enforcement of foreign judicial decisions under the Brussels Convention; companies; family relations; parentage; adoption; succession; donation.

Purposes of the course:

The aim of the course aims is to equip students with the techniques used to define the application of national law and national jurisdiction, as well as techniques for the application of foreign law.

STRUCTURE OF THE COURSE:

The course will consist of lectures and exercises on case law.

The exam will take the form of an oral interview.

SUGGESTED READING:

- G. CONETTI, *Commento alla legge n. 218/95 di riforma del diritto internazionale privato italiano*, Giappichelli, Torino, 2001.

or

N. BOSCHIERO, *Appunti sulla riforma del sistema italiano di diritto internazionale privato*, Giappichelli, Torino, 1996

U. VILLANI, *La convenzione di Roma sulla legge applicabile ai contratti*, Cacucci, Bari, 1997.

F. MOSCONI, *Diritto internazionale privato e processuale*, vol. I, general part from p. 25 to p.66 and from p. 145 to p. 165.

INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Dr. Antonello Tancredi - Dr. Yutaka Arai

PROGRAMME

The course provides an overview of the instruments for the protection of fundamental human rights currently applicable internationally. It divides into three parts.

The first part first examines how fundamental rights have been protected under international law and then analyses the framework developed by the United Nations as regards both substantive law and guarantees. It concludes with examination of a number of regional systems of a conventional nature.

The second part of the course concentrates on the protection system currently in place in Europe and resulting from the joint operation of the European Convention on Human Rights, the relative provisions in the European Union Treaty, the Nice Charter of Fundamental Human Rights, and the commitments undertaken by the countries belonging to the Organisation for Security and Cooperation in Europe.

The third part will concentrate on the most recent developments in international criminal justice, with particular regard to the *ad hoc* United Nations tribunals on the former Yugoslavia and Rwanda, and the structure and powers of the International Criminal Court.

The course will also deal with the circumstances under international law of persons belonging to minority groups or peoples.

SUPPLEMENTARY ACTIVITIES

The system of protection instituted by the European Convention on Human Rights will be explored by means of practical sessions in the form of moot courts.

SUGGESTED READING

On the European Convention on Human Rights:

DE SALVIA, *La Convenzione europea dei diritti dell'uomo. Procedure e contenuti*, Editoriale Scientifica, Napoli, ult. ed.

- **FERRARI BRAVO, DI MAJO, RIZZO**, *Carta dei Diritti Fondamentali dell'Unione Europea*, Milano, Giuffrè, 2001

On international legal instruments:

CONSO, SACCUCCI, *Codice dei diritti umani. Nazioni Unite - Consiglio d'Europa*, Cedam, Padova, 2001.

Other reading materials will be suggested by the lecturers.

LABOUR LAW

Prof. Luca Nogler

SYLLABUS:

The course deals with labour law in both the private and public sectors, taking account of the influence of EU law on domestic law.

After a historical survey of the subject (constitution, legislation, collective and individual contracts) and the sources of law, and the relations between them, the course concentrates on the following topics:

- Subordination, para-subordination and autonomy
- Employment contracts and the employment relationship
- Examples of 'special' employment relationships
- Public intervention in the labour market (the job placement system, labour market governance, youth employment and female work, apprenticeships and vocational training, change of employer, temporary agency work, domestic work, trial periods, fixed-term contracts, etc.)
- Conditions of employment (job classifications, internal mobility, discipline, working hours and leave, part-time work, etc.)
- Powers and duties of the employer
- Pay (wage structures, collective bargaining, severance payments, etc.)
- Termination of the employment contract (dismissals and resignations)
- Other issues concerning the employment relationship and public intervention in the labour market (wages integration fund, early retirement, transfers, unemployment benefit, etc.)
- Employees' rights and guarantees
- Public employment relationship.

ASSESSMENT METHOD

Students are advised to analyse a collective labour agreement for discussion during the examination. They will be required to be familiar with recent changes to labour law as set out in the texts available at the Faculty's photocopying office.

Supplementary seminars will be held during the course on specific aspects using a case-law approach, particularly with regard to EU labour law, and they will be considered part of the final assessment.

SUGGESTED READING:

A. Sources of labour law:

F. CARINCI, R. DE LUCA TAMAJO, P. TOSI, T. TREU, *Diritto del lavoro. 1 Il diritto sindacale*, Utet, Torino, last ed., Chs. 5, 9, 10 and 11

or

G. GHEZZI, U. ROMAGNOLI, *Il diritto sindacale*, Zanichelli, Bologna, 1997, Chs. 3, 4 and 5

B. Private individual employment relationship:

F. CARINCI, R. DE LUCA TAMAJO, P. TOSI, T. TREU, *Diritto del lavoro. 2. Il rapporto di lavoro subordinato*, Utet, Torino, latest edn.

or

E. GHERA, *Diritto del lavoro*, Cacucci, Bari, 2000.

or

G. GHEZZI, U. ROMAGNOLI, *Il rapporto di lavoro*, Zanichelli, Bologna, latest edn.

LAW ON COOPERATIVES AND NON-PROFIT ORGANIZATIONS

Prof. Emanuele Cusa

CONTENTS OF THE COURSE

The law on cooperative societies and consortia according to the Constitution, the civil code, specific legislation and cooperative principles.

The law on non-profit organizations under the civil code and special legislation.

ASSESSMENT METHOD

Oral examination.

For attending students the exam will be based on the materials discussed during the course (parts of textbooks, judicial decisions, statutes, contract forms, etc.).

Attending Erasmus students may write a paper on a topic chosen together with the lecturer and on which they will be assessed.

Bibliographical references for non-attending students will be provided at the beginning of the course.

LAW OF AFRICAN COUNTRIES

Prof. D. Forte - Dr. Lyda Favali

PROGRAMME:

The aim of the course is to foster knowledge and understanding of the pluralism and stratification of law distinctive of contemporary African legal systems: customary law, Shari'a law, colonial law, contemporary law. It examines these aspects from an interdisciplinary perspective in a non-Western context, paying particular attention to: traditional society and modern society; the administration of justice; economic relationships; familial relationships; immigration; problems and perspectives of juridical pluralism in Italy.

Segment on Islamic Law

The course on Islamic law will concentrate on the development of the classical law of Islam, or Shari'a. It will investigate the historic bases of Islamic law, including the pre-Islamic legal tradition in Arabia, the influence of the Koran, the law and procedures of the Islamic empire, and the developing doctrines of the schools of law within Islam. The course will also take note of the competing philosophical, religious, and political traditions to the legal tradition within Islam. It will look at some substantive elements of Islamic law, including criminal law and the law of contracts. Finally, it will consider the problem of human rights in the Islamic legal tradition.

The course will be taught by lecture and discussion in English and most of the assigned readings will be in English as well. There will be a written examination.

SUGGESTED READING:

- **M. GUADAGNI**, *Il modello pluralista*, Giappichelli, Torino
- **R. SACCO, (e altri)**, *Il diritto africano*, UTET, Torino

The course will consists of lectures and seminars. The final examination will assess knowledge of the above textbooks as well as coursework.

LAW OF THE EASTERN EUROPEAN COUNTRIES

Prof. W. B. Simons – Dr. R. O. Dragneva

The course will be taught by Professor William Simons, director of the Institute of Eastern European Law and Russian Studies, University of Leyden – Faculty of Law, and by Doctor Rilka Dragneva, Institute for Eastern European Law and Russian Studies, University of Leyden – Faculty of Law

Law in Transition: Russian Federation and CIS Private and Public Law

It is an understatement to say that - over the last decade - much has changed in Central and Eastern Europe (CEE) and in the former USSR (most of the countries of which have joined together in the Commonwealth of Independent States - CIS). However, there is also much in the CEE/CIS countries that retains (some of) the “old” essence of the Soviet system. The fields of law and the economy are no exception to these general statements. This course will offer an introduction to the private law regime in the transition phase in the region: the move away from state-controlled economies and single-party political systems. There will also be a secondary emphasis on public law reforms. The goal of this course will be to enlighten students on the progress that has been made in this region in shifting away from the “old” and progressing to “new” market-type institutions and democratically oriented societies.

The practice of law in the region will not be neglected, but the course will be one that focuses on more than simply “how to do business in CEE/CIS countries”. The largest country and historically the most important, the Russian Federation, will be used as the prime example for this course of the transitions in law and economy.

The topics that will be covered include: the Constitution of the Russian Federation (RF), the new RF Civil Code, the role of the judiciary (the ordinary [general] courts as well as the commercial [arbitration] courts and the RF Constitutional Court), (foreign) investment, and legal education. In addition, some of these institutions will be the subject of brief comparisons with other CIS countries.

One textbook that will be used in the course is: Danilenko and Burnham, *Law and Legal System of the Russian Federation*, 2d. Ed. (Juris Publishing Co., New York, NY: 2000). Another source is a CD-ROM of the Leiden Institute of East European Law and Russian Studies with cases and materials from the RF Constitutional Court. Student in this course can choose how they prefer to access material from this latter source: electronically or printouts from the CD.

The teaching style will include some lectures but will be based mostly on assigned readings and questions (posed by students or by the lecturer) in the classroom. In short, it will be an “interactive” forum. Students will also be a limited number of assigned brief one- to two-page essays.

The language of instruction will be in English; likewise, the essays and exams will also be in English. However, the assessment of essay/exam results will be dependent on the student’s understanding of the assigned materials and her/his thoughts on the subjects covered in the materials and in class - not on the flawless use of the English-language. In other words, students should not be concerned about the level of their English so long as they are able to read English materials and to express their thoughts in English (orally and in writing) with a reasonable level of proficiency

N,B. The examination can only be taken at the end of the course.

LAW OF THE GERMAN-SPEAKING COUNTRIES

Prof. Udo Reifner – Dr. Jens Woelk – Prof. Luca Nogler

PREREQUISITES

The course examines the legal systems of the German-speaking countries, with particular regard to Germany but also to Austria and Switzerland. It is therefore one of the core courses on the curriculum of transnational studies and as such serves as an introduction to other more specialized courses on comparative law.

The course will consist of lectures delivered in Italian flanked by optional seminars conducted in German. Students are therefore advised to attend the course of legal German offered by the Faculty.

PROGRAMME

The programme covers the essential aspects of both public and private law in the German-speaking countries, but its principal purpose is to illustrate the distinctive features of legal thought in those countries, with particular regard to Germany. Periodic practical sessions will focus on specific topics, and particular attention will be paid to legal research in the German-speaking countries.

STRUCTURE

The course divides into two modules.

The module on private law will be taught by Prof. Udo Reifner and Prof. Luca Nogler. It will concentrate on the origins and development of civil codes, with particular regard to obligations.

The module on public law, taught by Dr. Jens Woelk, will deal first with constitutional law as regards fundamental rights and the organization of the state – the federal system in particular – and then with a number of key concepts of administrative law.

SUGGESTED READING

Recommended for the module on private law is U. Reifner, *Vertragsrecht*, Trento, 2000, of which an Italian translation will be provided. Also recommended is L. Raiser, *Il compiuto del diritto privato*, Giuffrè, Milan, 1990. Besides the lecture notes prepared for the module on public law, students are advised to read A. Anzon and J. Luther (trans.), *La legge fondamentale tedesca*, Giuffrè, Milan, 1997.

LAW ON RISK CAPITAL COMPANIES (SEMI-ANNUAL)

Dr. Elisabetta Pederzini

PREREQUISITES

The course is designed to supplement the course on commercial law. It focuses on those types of company which recent legislation has grouped under the heading of 'risk capital companies', thereby flanking 'closed' joint-stock companies with 'open' and 'risk capital' ones offering stock on a regulated market. The course pays particular attention to aspects concerning the self-regulation and market regulation of such companies.

PROGRAMME

Consequently, the course will deal with the following topics:

- corporate governance;
- transparency *vis-à-vis* investors;
- market regulation.

ASSESSMENT

The examination will take the form of an oral interview.

SUGGESTED READING

Reading materials will be announced during the course.

PHILOSOPHY OF LAW

Prof. Giovanni Orrù

PROGRAMME

The course provides an overview of those sectors of philosophy of law conventionally known as 'general theory of law', 'theory and methodology of legal science', 'theory of legal argumentation', 'theory of the sources', 'deontic logic'. The general part of the course deals with lacuna theory, antinomies, interpretation theory, theory of the essence of law, theory of the existence of law, theory of legal argumentation, sources of extra-legislative law. The specialist part of the course exemplifies the topics covered by the theoretical lectures.

SUGGESTED READING

AA. VV., *Ermeneutica giuridica*, Padova, Cedam 2001

GIOVANNI ORRÙ, *Lezioni di storia del pensiero teorico-giuridico moderno*, Torino, Giappichelli, 1988

GIOVANNI ORRÙ, *I criteri extralegali di integrazione del diritto positivo*, Milano, 1994

LUIGI LOMBARDI VALLAURI, *Corso di filosofia del diritto*, Padova, Cedam, 1981, pp. 1- 202

POLITICAL ECONOMY

Prof. Silvio Goglio

PREREQUISITES:

Students attending the course should have a working knowledge of algebra.

PROGRAMME:

- Exchange, supply, demand and prices
- Time and risk
- The public sector
- Consumer theory
- Theory of the firm
- Types of market
- Technological change
- Market imperfections
- Externalities and environment
- Taxation
- Public decision-making

PURPOSES OF THE COURSE:

The intention of the course is to:

1. introduce students to the institutional structures of economic systems through study of microeconomic theory:
2. analyse the manner in which scarce resources are put to different uses through perfect and imperfect competitive markets
3. propose a theory of human behaviour for use in the economic analysis of law

COURSE STRUCTURE:

The course is divided into two modules.

FORM OF EXAMINATION:

The final examination will be written. If possible, attending students will be set progress tests during the course.

SUGGESTED READING:

STIGLITZ J. E., *Principi di Microeconomia*, Torino, Bollati Boringhieri, 1999 (Second edition)

Also recommended is:

Hargreaves Heap S., Hollis M., Lyons B., Sugden R., Weale A., *La teoria della scelta. Una guida critica*, Laterza, Bari, 1996.

PRINCIPLES OF EUROPERAN COMMUNITY LAW

Prof. Gian Antonio Benacchio

PROGRAMME

The aim of the course is to furnish basic knowledge of EC law and its relationship with domestic law. It starts with analysis of the institutional structure of the European Community and its system of sources of law. Attention then shifts to the interaction of EC law with Italian law, showing the features and problems deriving from the ongoing harmonisation of diverse but related legal systems. The emphasis is therefore on the sources of Italian law as resulting from the immediate effectiveness and primacy of EC law, and on the impact of the latter on the reform and development of the Italian legal system.

PROGRAMME

1. The European context

- Outline of the evolution of the European Communities and the European Union
- Main characteristics of European harmonisation
- Institutions of the European Union: an outline
- Institutions of the European Community: Commission, Council, European Council, Parliament, Court of First Instance, Court of Justice, other institutions
- The EC legal process: decision-making procedures
- Sources of law: regulations, directives, decisions, recommendations, opinions
- EC jurisdiction and subsidiarity
- Protection of individual rights and the role of precedents:
 - supremacy of EC law: community and national guarantees;
 - direct effect of EC law;
 - fundamental rights and common constitutional traditions as general legal principles;
 - direct effects of directives and tort liability of member states;
 - an integrated Community judiciary

2. The relationship between EC law and domestic law

- The harmonisation of sources and problems of coordination
- The constitutional bases of membership of the European Community
- The role of parliament and the government in EC legislation
- The Constitutional Court and the Court of Justice: the protection of individual rights
- the role of the Regions in legislation
- Private European law and domestic private law: interaction and problems of coordination
- The domestic market and harmonisation: the role of the subsidiarity principle
- Main characteristics of European harmonisation.

BIBLIOGRAPHICAL REFERENCES:

Bibliographical references will be provided at the beginning of the course.

PRINCIPLES OF PRIVATE LAW

Prof. Giorgio Lener

PREREQUISITES

There are no examinations propaedeutic to the course.

PROGRAMME:

The course examines the legal rules that govern relationships between private parties and regulate initiatives by individuals to safeguard their interests.

The first part of the course covers the essential aspects of private law, its sources, the criteria and techniques for interpretation of legal documents, and the concepts and categories of the private law system in the light of recent reforms and legal science.

The second part analyses various sectors of private law: obligations and contracts; rights to privacy; property rights; family law; law of succession; basic notion of commercial and labour law; the protection of rights.

LEARNING GOALS

The aim of the course is to provide a solid grounding in the institutes that constitute the private law system, the purpose being to establish the basis for study of further areas relating to private law.

STRUCTURE

The course will alternate theoretical discussion of the institutes with analysis of case law, using practical applications and discussion of specific cases. It will be supplemented by two series of practical sessions intended to facilitate study of the course topics, and of legal method as applied to the broad sector of private law. No further reading assignments are required other than those listed below, except for the materials discussed. These practical sessions are not discriminatory as regards the examination, but attendance will be recorded and active participation will be taken into account when final assessment is made. The timetable will be announced at the beginning of the course.

ASSESSMENT METHOD

Active participation in lectures is the main criterion for assessment. Lectures will include discussion on topics agreed beforehand with the students; the results will be taken into consideration when the final grade is awarded.

SUGGESTED READING

- RUSSO E. - DORIA G. - LENER G., *Istituzioni delle leggi civili*, CEDAM, Padova, ed. 2001

- RUSSO E., *L'oggetto della comunione legale e i beni personali*, Commentario al codice civile diretto da P. Schlesinger, Milano, Giuffrè 1999. Soltanto il cap XI (I problemi: gli acquisti a titolo originario) p. 301-370.

PRINCIPLES OF PUBLIC LAW

Prof. Fulvio Zuelli

SYLLABUS:

- Legal organisation and modern society
- Forms of state and forms of government
- History and evolution of the Italian state
- Fundamental principles of the Italian Constitution
- Parliament, Government, President of the Republic
- Sources of law
- Public administration
- Courts and the Constitutional Court
- Freedom of the individual and social groups
- Activities of public authorities

STRUCTURE

The course will consist of theoretical lectures on the institutes and general principles of public law. Given the topicality of the subject matter, students will be provided with the means to interpret Constitutional Court case law and recent constitutional reform. They will be given a solid grounding in public law, its constitutional bases and essential principles.

The course will be flanked by workshops on 'Reform of Title V of the Constitution' and 'The Tools of Legal Work'

SUGGESTED READING:

A) **G. FALCON**, *Lineamenti di diritto pubblico*, Cedam, Padova, 1999.

B) **G. AMATO - G. BARBERA (eds.)**, *Manuale di diritto pubblico*, Il Mulino, Bologna, 1999, vol.I (except ch. V)

PRINCIPLES OF ROMAN LAW (FOUNDATIONS OF EUROPEAN LAW)

Prof. Gianni Santucci

PREREQUISITES:

Prior attendance on the courses in the Principles of Private Law and Comparative Legal Systems is recommended for adequate understanding of the transnational character of Roman law and of the Romanist tradition as decisive factors in the development of European legal studies.

CONTENTS AND STRUCTURE OF THE COURSE:

The aim of the course is to furnish a general overview of Roman private law, its dogmatic structure and historical development, with particular regard to the historical (socio-economic) origins and evolution of private law. A further aim is to foster understanding of legal reasoning by examining the logical-argumentative techniques employed by Roman jurists in the formulation of private law. Finally, particular attention will be paid to the progressive specification in Roman jurisprudence of the principles, legal terminology and rules that provide the basis for numerous European and non-European private law systems. Accordingly, knowledge of Roman private law provides a crucial framework within which to draw comparisons among modern private law systems, and it yields useful understanding of the similarities and differences between civil law and common law systems.

STRUCTURE OF THE COURSE:

INTRODUCTION:

- Europe and Roman law
- the role of Roman law in the formation of European and non-European jurists
- basic notions of the legal order

SOURCES OF LAW:

- sources of Roman private law
- Roman case law as a model for an open legal system
- the Justinian *Corpus Juris Civilis*
- science and methods of Roman jurists
- Romanist legal methodology

PRIVATE LAW:

- subjects and law
- civil process
- legal acts and legal facts
- property
- minor real rights
- possession
- obligations
- inheritance
- donations

The course will consist mainly of formal lectures, during which study materials will be announced.

Supplementary seminars and exercises will be organised during the course for interested students. Further information will be provided at the beginning of the course. Students are advised to contact Prof. Santucci and Dr. Nicola Luisi during reception hours should they have questions concerning the topics covered by the lectures.

SUGGESTED READINGS:

A. GENERAL PART:

- **BURDESE**, *Manuale di diritto privato romano*, Torino, 1993, UTET (ultima edizione).
Eccetto: del cap. III i §§ 8, 10, 11; del cap. VI i §§ 2-13, 19, 20, 22.

or

- **D. DALLA - R. LAMBERTINI**, *Istituzioni di diritto romano*, Torino, 1996, Giappichelli.
Eccetto: del cap. II i §§ 8-12; del cap. III i §§ 13 e 14; del cap. V il § 13.

B. SPECIAL PART:

U. VINCENTI, *Lezioni di metodologia della scienza giuridica*, Padova, 1997, Cedam.

Attending students can partly prepare for the examination by studying their lecture notes and the materials used during the course.

Further suggested reading:

Students wishing to write papers can contact Prof. Santucci for further information and consult the following texts:

C. BEDUSCHI, *Tipicità e diritto. Contributo allo studio della razionalità giuridica*, Padova, Cedam, 1992.

F. SCHULZ, *I principi del diritto romano*, Firenze, Le Lettere, 1995

P. STEIN, *I fondamenti del diritto europeo. Profili sostanziali e processuali dell'evoluzione dei sistemi giuridici*, Milan, Giuffrè, 1997

L. VACCA, *La giurisprudenza nel sistema delle fonti del diritto romano*, Torino, Giappichelli, 1989

PRIVATE LAW AND INFORMATICS (SEMI-ANNUAL)

PROF. GIOVANNI PACUZZI – DR. ROBERTO CASO

PREREQUISITES

Students must be familiar with the contents of the courses on principles of private law and public law, and they should have a working knowledge of information technology.

PROGRAMME

1. The computerised handling of personal data
2. Electronic commerce
3. Intellectual property in the digital age
4. Internet and civil liability

LEARNING GOALS

The course examines the changes wrought by information technology to the law on property rights.

STRUCTURE OF THE COURSE

The course consists of 30 hours of lectures. Students should attend classes and study the materials distributed during lectures.

ASSESSMENT METHODS

The examination will take the form of an oral interview. Attending students will also take a final written test on the subjects addressed during lectures.

SUGGESTED READINGS

A list of materials to prepare for the examination will be provided at the beginning of the course.

PUBLIC ECONOMIC LAW

Prof. Giovanna Endrici

KNOWLEDGE REQUIRED:

Basic knowledge of public law; students should preferably have passed the examinations on Business Law and Administrative Law.

PROGRAMME:

The aim of the course is to analyse the most important forms of public intervention in the economy as they have developed historically, and the relationship between state and economy as defined by the Constitution.

The course will therefore deal with the subjects, institutions and functions of economic governance and recent market regulation, also in the light of European integration.

SYLLABUS:

- historical development of public intervention in the economy
- economic constitution
- economic and financial planning
- public intervention through incentives
- the publicly-owned enterprise
- privatisation
- principles of competition and anti-trust legislation
- public services
- budget and public finances
- independent agencies
- the regulating state.

STRUCTURE OF THE COURSE:

The course will consist mostly of formal lectures on statutory principles and case law. Students will be required to participate actively in the final part of the course, for instance by preparing and discussing written papers.

Dr. Giuseppe Piperata will deliver a cycle of lectures on the deregulation of public services.

ASSESSMENT EXAMINATION:

The exam will take the form of an oral interview. Papers will be considered as forming part of the examination programme.

SUGGESTED READINGS:

S. CASSESE, *La nuova Costituzione economica*, Laterza. 2000.

Further bibliographical references will be announced at the beginning of the course.

REGIONAL LAW AND LOCAL GOVERNMENT LAW

Prof. Damiano Florenzano

PROGRAMME

The course deals with the system of local autonomies with particular regard to recent legislation (Acts 59 and 127 of 1997, legislative decree 112/1998 and Act 265 of 1999). It concentrates in particular on aspects specific to Trentino-Alto Adige.

SYLLABUS

A) Regions

- Creation and organisation of the Regions
- Relationships between the State and the Regions
- Regional powers and their control.

B) Provinces and Municipalities

- Organization and powers
- Types of control

SUGGESTED READING:

On regional law:

T. MARTINES - A. RUGGERI, *"Lineamenti di diritto regionale"*, Giuffrè Editore, 2000, pagg. 3-385

On local government law:

G. ROLLA, *"Diritto degli Enti locali - Profili istituzionali"*, Giuffrè Editore, ultima edizione,

ROMAN LAW

Prof. Gianni Santucci

PREREQUISITES:

The course presupposes the knowledge of the essential aspects of private law theory (Italian and Roman), with particular regard to obligations, imparted by the courses on the principles of Private Law and Roman Law.

CONTENTS AND PURPOSES OF THE COURSE:

The course will comprise a short general part which focuses on the renewed role of private Roman law, from both the classical and Justinian ages, in understanding of present-day private law systems, especially as regards the countries of continental Europe. Roman law is accordingly a paradigm with which to conduct both positive and negative assessment of private law in its present form, shedding important light on similarities and differences within the civil law and common law traditions.

The special component of the course is intended to be a concrete application of the general part. It will conduct substantial analysis of extra-contractual liability, dealing in particular with exegesis of Roman case law. Subsequently, through examination of the language and reasoning of the sources, the focus shifts to the main argumentative techniques of Roman jurists and examines the incorporation of the Roman model into present-day legal systems. Particular emphasis will be placed on certain legal systems in Europe (Germany, France, Italy, Switzerland and Austria) up until the recent Dutch codification, highlighting their continuity and explaining by means of their evolution the differences between legal systems that nevertheless draw upon same models.

PROGRAMME:

Because the course takes the form of a series of seminars, attendance is highly recommended.. The lecturer will distribute the study materials at appropriate moments during the courts.

SUGGESTED READING:

Attending students may prepare for the examination with lecture notes and the materials distributed during lectures.

Non-attending students should prepare:

C. A. CANNATA, *Sul problema della responsabilità nel diritto privato romano. Materiali per un corso di diritto romano*, Catania 1996, ed. Torre (pages 1- 209).

SALE OF CONSUMER GOODS

Prof. Nadia Zorzi – Dr. Elena Corso

PREREQUISITES

Students should already have passed the examination on commercial law.

PROGRAMME:

The course analyses the law on the sale of consumer goods in the light of the modifications made to the civil code by the legislative decree of 1 February 2002, which transposes EU Directive 1999/44/CEE. It examines the subjects and items covered by the new legislation, with particular regard to consumer and producer protection.

The course will also deal with advertising and the guarantees extended to diverse types of contract.

The following topics will be covered:

1. Regulation of the producer/distributor/consumer relationship
2. General aspects (consumer and producer protection; EC Directive 99/44 and its transposition into law)
3. Range of application of legislative decree 24/2002
4. The principle of the conformity of the good sold with the contract of sale
5. Consumer rights and producer liability
6. Right of recourse
7. Legal guarantees.

The examination will take the form of an oral interview.

SUGGESTED READINGS:

Reading assignments will be announced during lectures.

TAX LAW

Dr. Alessandra Magliaro

SYLLABUS

The course divides into two parts:

I. General part:

- Constitutional principles, domestic and European Community sources of law
- Tax obligations
- Subjects of tax obligations:
 - a. active subjects (financial public authorities)
 - b. passive subjects (tax payers)
- Tax assessment and sanctions
- Raising and refunding taxes
- Judicial protection
- Fiscal offences

II. Special part:

- Income tax
- Transfer tax
- Value added tax
- Minor taxes: an outline.

The course will be flanked by a seminar on 'General Principles of International Tax Law' and by a workshop on 'Court of Justice Case Law on Direct Taxation'.

AIM OF THE COURSE:

1. To acquaint students with the general principles of tax law for practical purposes.
2. To explain current developments in Italian tax law.

SUGGESTED READING

LUPI, *Diritto tributario*, Milan, 2 volumes, last ed.

Or

TESAURO, *Istituzioni di diritto tributario*, Torino, UTET, last ed., vol. II

Or

FALSITTA, *Manuale di diritto tributario*, II ed., 2 vols., Padua, 2000.

Students should possess an updated collection of tax laws.

Further reading materials will be announced at the beginning of the course.

TOURISM LAW

Prof. Silvio Busti

PROGRAMME

- I. Tourism law: notion and contents
- II. Public intervention in the tourist sector
 - Decentralization of competences
 - The tourism and hotel business
 - Public financial intervention: tourism and hotel credit
 - Tourism and environmental protection
- III. Public regulation of hotels and similar facilities
- IV. Notion and content of the contract for hotel accommodation
 - Features and subjects of the contract
 - The obligations of the hotel-keeper and guest
 - The hotel-keeper's liability
 - Discharge of the relationship
 - Liability of subjects assimilated to hotel-keepers
- V. Contract of travel organisation and agency
 - Rights and obligations of the promoter and seller of so called 'package holidays'
 - Tourist-consumer protection under European legislation.

Part of the course will take the form of seminars on hotelier liability.

SUGGESTED READING

V. FRANCESCHELLI - G. SILINGARDI, *Manuale di diritto del turismo*, Giappichelli, 1999.

TRADE-UNION LAW

Prof. Stefania Scarponi

PURPOSES OF THE COURSE:

The aim of the course is to flank the course on labour law by acquainting students with the legal structure of collective labour relationships. It deals with trade-union freedom, the function of unions and collective bargaining (in both the private and public sector), and dispute settlement. It also covers certain aspects of European Community trade union law.

PROGRAMME

- I. Trade union law, industrial relations, conflicts, participation:
 - Historical introduction
 - Institutional aspects: constitutional framework and legislative developments
- II. Trade union law and reform of the employment relationship in the public sector:
 - Collective bargaining
 - Representation and representativeness
- III. European Community trade law:
 - Sources
 - European trade unions and collective bargaining
 - Workers' representation
 - Procedures for information, consultation and participation

Part of the course will take the form of seminars and talks by external lecturers.

Attending students will be set written tests during the course, which concludes with an oral interview.

SUGGESTED READING

Parts I and II:

F. CARINCI, R. DE LUCA, P. TOSI, T. TREU, *Diritto del lavoro. I. Il diritto sindacale*, Utet, Torino, latest ed.

Or

G. GHEZZI, U. ROMAGNOLI, *Il diritto sindacale*, Zanichelli, Bologna, last ed.

Part III:

M. ROCCELLA, T. TREU, *Diritto del lavoro della Comunità europea*, Cedam, Padova, latest ed., only parts I and IV.

Further reading materials will be made available during the course. Students may write papers on topics covered by the lectures.

TRANSPORT LAW

Prof. Silvio Busti

PROGRAMME

I. Notion and sources of transport law

- Hierarchy of the national sources of law
- International law and uniform private international law on transport
- Systems of uniform law on land, sea and air transport

II. The transport contract

- Notion and types
- Carrier liability
- Documents of the transport contract
- Travel contract and the liability of the travel agent

III. Internal administration and international transport organisations

- Public local transport

IV. Freedom of international transport

- Agreements on the rights of road and air traffic
- The regulation of transport in the E.C.

The aim of the course is to examine the relationship between public and private law as regards transport. It presupposes knowledge of credit instruments, commercial enterprises and contracts. Prior attendance on the course in Commercial Law is therefore mandatory.

Part of the course will take the form of seminars.

Periodic progress tests will be administered during the course.

SUGGESTED READING

BALLARINO- BUSTI, *Diritto aereonautico e spaziale*, Giuffrè, Milan, 1988, pp. 25-38, 56-99, 481-508, 531-765; or, only for attending students, lecture notes.

S. BUSTI, *Nuovi documenti del contratto di trasporto di cose*, Cedam, Padova, 1983.

V. MALFATTI, *Trasporti. Diritto, politica, ambiente*, I.S.B.A., Rovereto, 1998, pp. 49-174; or, only for attending students, lecture notes.