

International Taxation Law

42 hours | 6 ECTS credits | 52860

The course will be divided into two parts. The first will address the main theoretical aspects of international taxation, including the legitimation to tax by a sovereign State, the (possible) self-restraint in the exercise of this power in order to prevent international double taxation, the source and residence rules applicable to cross-border situations. The second part shall be focused on the OECD and UN Model Conventions. These will be analysed following an "article-by-article" approach, with major emphasis being attributed to specific provisions, including those relating to the concept of permanent establishment, the residence (and domicile) for tax purposes and the notion of passive income. In this respect the course shall also deal with the ways and means to prevent double taxation, including the use of tax credit or the exemption mechanism. Eventually, very basic tax planning schemes shall be introduced to the students, using the Italian legal system as a benchmark to assess their feasibility and the possible advantages determined by their actual implementation. This will lead also to address the issues of tax avoidance and evasion together with the principle of "abuse of law" which is extensively used by the Italian and European judiciary to solve the most intricate cases of tax avoidance.

Introduction to Italian Criminal Law

42 hours | 6 ECTS credits | 52860

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

Introduction to Italian Private Law

42 hours | 6 ECTS credits | 52860

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

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

The Department currently offers two five-year programmes of *Laurea Magistrale* in Law (in Ferrara and Rovigo), as well as a three-year programme in Legal services (in Ferrara). A double-degree programme *Laurea Magistrale in Giurisprudenza / Grado en Derecho* has been set up in cooperation with the University of Granada (Spain). Exchange students may take courses from each of those curricula, as well as from other Departments at the University of Ferrara.

Besides the mandatory curricular courses, the Department of Law offers a number of optional courses addressing a wide range of interests and needs.

Optional courses in English have been offered since 2008. As from the academic year 2013-2014, the Department will significantly increase the number of such courses, in order to meet the needs of both Italian and exchange students. A limited number of introductory courses will be open only to exchange students; their purpose is to provide foreign students the opportunity to familiarise with the basic features of the Italian legal order. Other courses, aimed at offering an in-depth knowledge of specific aspects of Italian, EU and International Law, are open both to exchange students and to those regularly enrolled in curricular studies at the Department. While there are no formal language requirements, an upper intermediate level in English (CEFRL level B2) is deemed appropriate for a fruitful attendance.

The Department of Law is part of a wide network of student and staff exchange agreements concluded both with European and non-European countries.

Our guests can benefit from a rich, state-of-the-art library, with a specific emphasis on European Union Law, and a wide range of databases. Efficient inter-library services are equally available. Exchange students are entitled to the services offered to local students, including the assistance of teaching managers, Internet facilities etc. They may also find specific support with the Erasmus Tutor, a former exchange student that will help them getting to know the Department and the town.

We look forward to welcoming you in Ferrara!

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università di ferrara
Department of Law

Studying Law in Ferrara in English

Academic Year 2013/2014

European Labour Law

42 hours | 6 ECTS credits | 52860

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

International Human Rights

42 hours | 6 ECTS credits | 44236

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

International Institutional Law

42 hours | 6 ECTS credits | 52860

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

International Trade Law

42 hours | 6 ECTS credits | 52860

The first part of the course will deal with cross-border private transactions, focusing on the international sales of goods and on the various relations

that arise as a result of a sale contract. Topics include: the 1980 UN Convention on contracts for the international sale of goods and the UNIDROIT Principles of international commercial contracts 2010; standard trade terms (Incoterms); transportation; payment mechanisms and insurance coverage. Attention shall furthermore be paid to dispute settlement including conflict of laws, arbitration and mediation and the law on the protection of intellectual property rights. The second part of the course will address the regulatory relationship between State actors and traders, analysing in particular the rules laid down in WTO agreements, with regard, *inter alia*, to tariffs and duties, subsidies and countervailing measures. Although the course will deal primarily with sales of goods, issues relating to the international trade in services will also be covered.

Introduction to Italian Public Law

42 hours | 6 ECTS credits | 52860

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

Private International Law

42 hours | 6 ECTS credits | 52860

Legal relationships belonging to the realm of private law, such as contracts, torts or marriage, may be connected with two or more countries, thereby featuring an international character. Private international law deals precisely with these cases. Its purpose is to "order" legal pluralism, so as to provide certainty and cross-border continuity to the said situations. The aim of the course is to examine the theoretical framework in which private international law issues are addressed in today's legal discourse and to analyse a selection of private international law rules – in particular as regards contracts, torts, legal separation and divorce – as they are applied in practice. Although the focus will be on measures adopted by the European Union, references will also be made to international conventions and Italian provisions. The course will be structured as follows: (I) The *raison d'être* of private international law, its language and theory. (II) Adjudicatory jurisdiction. (III) The law applicable to legal relationships with a transnational element. (IV) Recognition and enforcement of foreign judgments. (V) International judicial assistance, in particular with regard to the taking of evidence abroad.

European Criminal Law

42 hours | 6 ECTS credits | 52860

The institutional part of the course will focus on the following topics: (I) The lack of competence in criminal matters of European institutions: underlying reasons and historical development. (II) The principle of legality and European law sources. (III) The impact of human rights on the development of a European criminal law. (IV) The sanctioning power of European institutions: European administrative sanctions. (V) The influence of EU regulations and directives on national criminal law: the disapplication of national law; the harmonization of national criminal law under the principle of loyal cooperation; the principle of conforming interpretation. (VI) The development of a European criminal policy as from the Treaties of Maastricht and Amsterdam. (VII) The attribution to the EC of a criminal law competence under the case-law of the Court of Justice. (VIII) The Lisbon Treaty: the attribution of (indirect) competence in criminal matters to the EU. The special part of the course will deal with: (I) The European Arrest Warrant. (II) EU directives in criminal matters: directive 99/2008 on the protection of environment through criminal law; directive 2011/36 on human trafficking; directive 2011/92 on sexual exploitation of children and child pornography. (III) A direct criminal law competence for the protection of EU financial interests? Problems and perspectives.

European Private Law

42 hours | 6 ECTS credits | 52860

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

European Union Company Law

42 hours | 6 ECTS credits | 52860

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