**Foundations and models in Sales Law (Academic year 2018 - 2019)**

**(6 CFU, 36 hours)**

**Prof. Tommaso dalla Massara**

**Purpose of the course**

The course’s main goal is to highlight the most significant features of the conceptual models in the frame of sales contract through a diachronic analysis, which goes back to the foundations of this contract in Roman Law: the course will specifically focus on the responsibility of the seller, the guaranties connected to the sales contract (for material and juridical defects) and the remedies in favor of the buyer. The course will concentrate on the different dogmatic structures of obligatory sales and *in rem* sales. The field of sales contract offers the opportunity to point out the two thousand-year-old stratification of structures and theoretical solutions, which today’s approach still look at (for this reason, several court cases will be presented).

**Program**

Preliminary exams: Institutions of Roman Law, Institution of Private Law

Program:

* Sales as a synallagmatic contract.
* The aedilician remedies in case of material defects: *actio redhibitoria* und *actio aestimatoria*.
* Nonperformance and responsibility.
* Juridical defect.
* Comparison with the new sales models: the obligation of conformity.
* Specific problems of sales contracts.

During classes, cases of Italian and European courts, in which dogmatic and reconstructive issues clearly emerge will be analyzed.

Beside the traditional lesson, classes aim at stimulating student’s juridical reasoning through active participation, particularly stimulating the analysis and discussion of the cases that will be introduced.

ERASMUS students are kindly requested to contact the Professor at the beginning of the course, in order to agree the exam’s program, which will consist of a written paper about a specific topic.

**Bibliography**

R. Schulze, R. Zimmermann, P. Sirena, F.P. Patti, *Diritto privato europeo. Testi di riferimento*, Torino, 2017 (due to be published).

AA.VV., *La compravendita e l’interdipendenza delle obbligazioni*, a cura di L. Garofalo, Padova, 2007.

A. Luminoso, *La compravendita*, Torino, 2015.

**Teaching material**

Teaching material will be uploaded on the e-learning platform.

**Examination’s modalities**

Objectives of the examinations

The exam’s goal is testing the program knowledge, with regard to the construction of a critical reasoning from the student, as far as specific juridical matters are concerned.

Contents and modalities of examinations

The exam shall be oral for everyone, both attending and non-attending students.

Attending students’ program will be agreed together with the Professor, with the opportunity to discuss a written paper about a specific topic.

Non-attending students are also requested to take contact with the Professor to agree upon the program.

The final evaluation shall be expressed in thirtieth (30/30).