

Course of Study *Business and Management Strategies*
Academic Year 2023-2024
Civil Law of Sustainable Development

General information	
Year of the course	1st year
Academic calendar (starting and ending date)	1st semester (from 12 September until 20 December 2023)
Credits (CFU/ETCS):	8
SSD	IUS/01
Language	Italian language
Mode of attendance	Recommended attendance

Professor/ Lecturer	
Name and Surname	Laura Tafaro
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Telephone	
Department and address	Didactic venue (Via Duomo 259, Taranto)
Virtual room	<i>Microsoft Teams</i> code: ohcxnq2
Office Hours (and modalities: e.g., by appointment, on line, etc.)	Reception by appointment in presence and online (<i>Microsoft Teams</i> code: prwcdrs)

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
150	48		102
ECTS			
6			

Learning Objectives
Acquisition of the knowledge, skills and competences inherent in the main institutes of civil law suitable for founding a model of sustainable development, attentive to the need to protect the individual - also in an intergenerational perspective - and the environment.

Course prerequisites	Preliminary knowledge corresponding to the learning outcomes envisaged for the teaching of private law in the three-year degree course is required in order to address the content of the course.
Teaching strategies	<p>The course is developed primarily through theoretical lessons, essential for the acquisition of knowledge (of the civil law of sustainable development) that constitute the specific training objectives of the course. These theoretical lectures include in-depth seminars and are supported, for the acquisition of the ability to apply knowledge, by a practical part through case law exercises, individual and group research, case analysis and discussion groups in the classroom or on an e-learning platform.</p> <p>Various tools are used for improving teaching effectiveness such as, e.g., powerpoint presentations, diagrams, bibliographic directions.</p>
Expected learning outcomes in terms of	
Knowledge and understanding on:	Acquisition of the methodology necessary for the knowledge and understanding of civil law issues suitable for founding and supporting a model of sustainable development, attentive to the need to protect the individual - also in an intergenerational perspective - and the environment.
Applying knowledge and understanding on:	Acquisition of the methodology necessary for the application of the knowledge and understanding of the institutes of the civil law of sustainable development indicated in the programme through the analysis of the most significant literature and jurisprudence on the individual topics under study.
Soft skills	<p><i>Making judgments</i></p> <p>At the end of the course, the student shall have acquired and developed the ability to critically study the institutions of the civil law of sustainable development through the examination of the main doctrinal opinions</p>

	<p>and jurisprudential orientations on the individual topics on the individual topics under study.</p> <p>Communication skills At the end of the course, the student should be able to argue doctrinal and jurisprudential theses to be able to communicate them well in moments of sharing, comparison and discussion - in the classroom or on an e-learning platform - both individually and in groups.</p> <p>Ability to learn autonomously At the end of the course, the student shall have acquired the methodology necessary for the independent learning and critical study of the institutes of the civil law of sustainable development through the examination of the most significant literature and the most innovative jurisprudence on the individual topics under study.</p> <p>The skills acquired will be checked in itinere during the course, so as to intervene promptly, with the help of the lecturer, to fill any gaps.</p>
Syllabus	
Content knowledge	<p>Civil law and sustainable development. Sources and principles of the civil law of sustainable development in the Italian-European system. Human dignity, inter-generational equity and sustainable development. The foundations of the Constitution: constitutional personalism and solidarism. The fundamental principles of the Constitution. The inviolable rights and non-derogable duties. The Italian State and the European Union. The Italian State and the international legal system: an outline. Constitution and sustainable development. The normative principle of sustainable development. Sustainable development and future generations. People's rights and sustainable development. Weak subjects and solidarity of the legal system. Asset theory and sustainable development: the</p>

	<p>commons; emission quotas. The principle of burdensharing. The emission trading system. The circular economy and legal goods-waste. Ship-generated waste and the environmentally sound dismantling of ships. Legal transactions and sustainable development. Contractual autonomy and 'green' contracts. The main contracts of sustainable development. Environmental sustainability and liability. Sustainable management of the marine and maritime environment. Liability for environmental damage. Liability for environmental disaster.</p>
<p>Texts and readings</p>	<p>Recommended reading:</p> <p>PERLINGIERI P., <i>Persona, ambiente e sviluppo</i>, in <i>Contratto e ambiente. L'analisi "ecologica" del diritto contrattuale</i>, (a cura di) M. Pennasilico, Napoli, 2016, pp. 321-340;</p> <p>CATERINI E., <i>Sostenibilità e ordinamento civile. Per una riproposizione della questione sociale</i>, Napoli, 2018;</p> <p>LASSO A., <i>Sostenibilità sociale e diritti fondamentali della persona</i>, in <i>Sostenibilità: sfida o presupposto?</i>, (a cura di) D.A. Benitez, C. Fava, Padova, 2019, pp. 92-120;</p> <p>NAZZARO A.C., <i>Rifiuti, beni e proprietà nella prospettiva dell'economia circolare</i>, in <i>Rass. dir. civ.</i>, 2020, pp. pp. 621-642;</p> <p>PENNASILICO M., <i>Contratto ecologico e conformazione dell'autonomia negoziale</i>, in <i>Riv. quad. dir. amb.</i>, 2017, pp. 4-31;</p> <p>PENNASILICO M., <i>Emergenza e ambiente nell'epoca pandemica. Verso un diritto dello "sviluppo umano ed ecologico"</i>, in <i>Giust. civ.</i>, 2021, pp. 495-530;</p>

	<p>PERLINGIERI G., <i>Criticità della presunta categoria dei beni c.dd. «comuni». Per una «funzione» e una «utilità sociale» prese sul serio</i>, in <i>Rass. dir. civ.</i>, 2022, pp. 137-164;</p> <p>TAFARO L., <i>Diritti umani oggi: sviluppo sostenibile e generazioni future</i>, in <i>Diritti umani e ambiente</i>, (a cura di) Antonio Augusto Cancado Trindade e Cesar Barros Leal, Fortaleza, 2017, pp. 43- 73;</p> <p>TAFARO L., <i>Sostenibilità ambientale, economia circolare e diritto dei cives: nuove prospettive</i>, in <i>Aa.Vv., Le nuove frontiere dell'ecodiritto</i>, a cura di A. Bonomo, L. Tafaro, A. Uricchio, Bari, 2021, pp. 21-58;</p> <p>ZARRO MC., <i>Tutela dell'ambiente, del clima e della persona umana e responsabilità dell'impresa nella recente Proposta di direttiva sulla due diligence aziendale</i>, in <i>Rass. dir. civ.</i>, 2022, pp. 1217 -1241;</p> <p>It is also advisable to study some paragraphs of the following volumes:</p> <ul style="list-style-type: none"> - <i>Trattato breve del diritto dello sviluppo sostenibile</i>, (a cura di) A. Buonfrate, A.F. Uricchio, Padova, 2022; - ZARRO MC., <i>Danno da cambiamento climatico e funzione sociale della responsabilità civile</i>, Napoli, 2022.
<p>Notes, additional materials</p>	<p>Regulatory sources; Jurisprudence of the Constitutional Court, of legitimacy and merit, of the European Court of Human Rights and of the Court of Justice of the European Union, as well as further teaching material useful for the study of the discipline.</p>
<p>Repository</p>	<p>The teaching material useful for the study of the discipline will be made available to students in electronic format on the e-learning platform of the University of Bari.</p>

Assessment	
Assessment methods	<p>The examinations will focus on the individual learning outcomes envisaged for the teaching of the civil law of sustainable development (specified above according to the Dublin descriptors).</p> <p>Learning outcomes will be assessed by means of:</p> <ul style="list-style-type: none"> - written open-ended tests lasting at least one hour and/or intermediate oral tests, which will contribute to the final assessment only in the event of a favourable outcome; - presentation of interim individual and group research and/or exercises (halfway through and two-thirds of the course), which will only count towards the final assessment if successful. - a final written open-ended examination lasting at least one hour and/or an oral examination in which consultation of regulatory sources and case law is permitted. <p>The assessment is expressed by a mark in thirtieths. The final examination is deemed passed when the mark is greater than or equal to 18.</p> <p>To achieve a high mark, the student must have developed autonomy of judgement and adequate argumentation and exposition skills.</p>
Assessment criteria	<p><i>Knowledge and understanding</i></p> <p>The assessment criteria used aim at verifying the student's effective acquisition of the methodology necessary for the knowledge and understanding of the issues of civil law - indicated in the program - suitable for founding and supporting a sustainable development model, attentive to needs to protect the person - also from an intergenerational perspective - and the environment.</p>

Applying knowledge and understanding

The assessment criteria used aim to verify the student's effective acquisition of the methodology necessary for the application of the knowledge and understanding of the issues of civil law - indicated in the program - suitable for founding and supporting a sustainable development model, attentive to needs to protect the person - also from an intergenerational perspective - and the environment through in-depth seminars, case law exercises, individual and group research, case analysis and discussion groups.

Autonomy of judgment

The assessment criteria used aim at verifying the student's effective acquisition and development of the ability to critically study of the institutions of civil law for sustainable development indicated in the programme through the study of the most significant literature on the individual topics to be examined by means of seminar-type teaching activities.

Communication skills

The assessment criteria used aim at verifying the effective acquisition by the student of the ability to argue doctrinal and jurisprudential theses, so as to be able to communicate them well in moments of sharing, comparison and discussion - in the classroom or on an e-learning platform - both individually and in groups.

Capacities to continue learning

The assessment criteria used aim to verify the student's effective acquisition of the methodology necessary for the learning and critical study of the main relevant institutes, the most significant existing literature on the topics under study and the most innovative jurisprudence.

	<p>The skills acquired will be checked in itinere during the course, so as to intervene promptly, with the help of the lecturer, to fill any gaps in one's basic preparation.</p>
Final exam and grading criteria	<p>The final grade is awarded in thirtieths. The examination is deemed passed when the mark is greater than or equal to 18. Intercourse tests only contribute to the final assessment in the event of a favourable outcome. In order to achieve a high mark, the student must have developed autonomy of judgement and adequate argumentation and exposition skills.</p>
Further information	