

## TANTÁRGYI TEMATIKA

## European Law of Obligations

2021/2022/1. félév

<b>Tantárgy neve:</b> European Law of Obligations	<b>Tantárgy Neptun kódja:</b> nappali: AJPJT200LLMN1 levelező: AJPJT200LLML1 <b>Tárgyfelelős intézet:</b> Civilisztikai Tudományok Intézete Polgári Jogi Intézeti Tanszék
<b>Tantárgyelem:</b> kötelező	
<b>Tárgyfelelős:</b> Dr. Juhász Ágnes egyetemi docens	
<b>Közreműködő oktató:</b> Dr. Pusztahelyi Réka egyetemi docens Dr. Juhász Ágnes egyetemi docens	
<b>Javasolt félév:</b> 2. félév (tavaszi)	<b>Előfeltétel:</b> -
<b>Óraszám:</b> nappali: 2 óra/hét levelező: 10 óra/félév	<b>Számonkérés módja:</b> kollokvium
<b>Kreditpont:</b> 4	<b>Munkarend:</b> nappali/levelező
<p><b>Tantárgy feladata és célja:</b> The course aims at the introducing of the students to the Europeanization of the law of obligations, included contract law and tort law as well. On the one hand, it reviews the main development tendencies in the field of European civil law and the pros and cons on the adopting of a future European Civil Code. On the other hand it intends to make the students acquainted with the actual outcomes of these working processes. Accordingly, through the introduction of the main regulation models (model laws) for common European law of obligations, such as the Draft of Common Frame of Reference (DCFR, 2009), the Proposal for a Common European Sales Law (CESL, 2011) and the Principles of European Tort Law (PETL, 2005) and case studies, the course offers a comparative law approach of the law of obligations for the students.</p> <p>Since the European Commission has retracted its Proposal CESL and has proposed other measures in the area of single digital market (see: Proposal for a directive on certain aspects concerning contracts for the supply of digital content, COM (2015) 634 final and Proposal for a directive on certain aspects concerning contracts for the online and other distance sales of goods, COM (2015) 635 final), but the CESL did not vanish without any effect upon the harmonization of a common European law of obligation.</p>	
<p><b>Fejlesztendő kompetenciák:</b> <b>tudás:</b> T3, T4, T5, T9 <b>képesség:</b> K1, K2, K3, K4, K5, K6, K7, K8 <b>attitűd:</b> A1, A2, A3, A4, A5 <b>autonómia és felelősség:</b> F1, F2, F3, F4, F5, F6</p>	
<p><b>Tantárgy tematikus leírása:</b></p> <p><u>Nappali:</u> csütörtök 10-12 A/6 103. – Dr. Pusztahelyi Réka</p> <p><u>Levelező:</u> 2020.XII.05. 08.30 - 12.40 – A/1 222. – Dr. Juhász Ágnes</p>	
1. European Contract Law: concept of contract	

2. European Contract Law: conclusion and content of contracts interpretation and unexpressed obligations
3. European Contract Law: pre-contractual duties, incorrect information and its effect on the contract
4. European Contract Law: impropriety in the contracting process, unfair contract terms, right of withdrawal
5. European Contract Law: performance obligations
6. European Contract Law: consequences of non-performance
7. European Contract Law: preclusion and prescription
8. European Tort Law: base of the liability, causation
9. European Tort Law: liability for fault
10. European Tort Law: strict liability
11. European Tort Law: multiple tortfeasors
12. European Tort Law: contributory conduct or activity of the victim, damages, pecuniary and non-pecuniary damages
13. Other issues on obligations: unjust enrichment, benevolent intervention in another's affairs
14. Other issues on obligations: concurrence of actions.

**Félévközi számonkérés módja és értékelése:**

Students can choose for the obtaining of the signature from the lecture. They can write a classroom test or an essay. The classroom test is about the topic of international and EU consumer protection law. The test must be at least 60%. The essay shall be written about the topic of the lecture (at least 20.000 and maximum 40.000 characters.)

**A kollokvium teljesítésének módja, értékelése:**

Students shall perform the lecture due to a written exam. The test incorporates the full topic of the lecture. The marks are the following:

- 0-59 % - fail (1)
- 60-69 % - pass (2)
- 70-79 % - satisfactory (3)
- 80-89 % - good (4)
- 90-100% - excellent (5)

**Kötelező irodalom:**

1. Von Bar, Christian (et al.) (eds.): Principles, Definitions and Model Rules of European Private Law. Draft Common Frame of Reference (DCFR) Outline Edition. Prepared by the Study Group on a European Civil Code and the Research Group on EC Private Law (Acquis Group) Based in part on a revised version of the Principles of European Contract Law. Sellier, Munich, 2009.
2. Reiner Schulze – Fryderyk Zoll: European Contract Law, Beck-Hart-Nomos, 2016.
3. Reinhard Zimmermann: The Law of Obligations : Roman Foundations of the Civilian Tradition. Oxford University Press, 1996.

**Ajánlott irodalom:**

1. Reiner Schulze and Fryderyk Zoll: The Law of Obligations in Europe: A New Wave of Codifications, 2014.
2. Helmut Koziol – Reiner Schulze (eds.): Tort Law of the European Community. Tort and Insurance Law, Vol 23. Springer, Wien-New York, 2008.
3. Von Bar, Christian – Drobnič, Ulrich (eds.): The interaction of Contract Law and Tort and Property Law in Europe. Sellier, München, 2004.
4. European Group on Tort Law: Principles of European Tort Law. Text and Commentary, Springer, 2005.
5. Benedict Winiger – Helmut Koziol – Bernhard A. Koch – Reinhard Zimmermann (eds.): Essential Cases on Natural Causation. Digest of European Tort Law Vol. 1. Springer, Wien-New York, 2007.

6. Benedict Winiger – Helmut Koziol – Bernhard A. Koch – Reinhard Zimmermann (eds.): :  
Essential Cases on Damage. Digest of European Tort Law Vol 2. Springer, Wien-New York,  
2011