

SZF

Pázmány Péter Catholic University, Faculty of Law

Department of Private Law

Course description

THE SYSTEM OF EUROPEAN CONTRACT LAW AND COMPARISON WITH HUNGARIAN CONTRACT LAW

Offered: **autumn/spring semester**

Code of the course:

The name of the course: **The System of European Contract Law and Comparison with Hungarian Contract Law**

Place in the educational framework:

Weekly number of classes (in a semester): Regular course: 2 classes/week

Manner of marking: written exam

Credit value: 6

Language of lectures: English

Lecturer: Ferenc SZILÁGYI, email: szilagyi.ferenc@jak.ppke.hu

Course website: www.jak.ppke.hu/tanszek/polgjog/eucontractlaw.htm

SCOPE OF THE COURSE:

The aim of the course is to provide an introduction to the system and central issues of European contract law by also taking reference to Hungarian contract law. While pursuing this, the Proposal of the European Commission for a Regulation on a European Sales Law [COM 2011 (635) final of 11 October 2011], and the so-called Academic Draft Common Frame of Reference (DCFR) is taken as point of reference. The primary objective of the course is to provide introduction and access to central issues of European and Hungarian contract law for non-Hungarian speaking European students also, with the benefit of explanation gained by applying the methods of comparative law.

SCHEDULE OF THE COURSE:

1. General introduction and presentation of the method used during the course; an overview of the development of European contract law within the process of deepening European integration
2. Overview of the system of European and Hungarian contract law; role and meaning of general principles (general clauses) in the system of contract law; basic concepts like that of 'consumer' and 'business', goods, sales contract, the notion of services, etc.)
3. Making a contract I: pre-contractual duties (pre-contractual information duties in general and the specific ones applicable to B2C, remedies for breach of these duties)
4. Making a contract II: issues of formation (intention, agreement establishing a contract, offer and acceptance, time and place of conclusion of a contract, etc)
5. Making a contract III: the right of withdrawal in general and the specific ones applicable to B2C, the issue of representation, interpretation of the contract
6. Content and validity I: contents and effects of a contract (the terms of the contract, simulation, contract in favour a third party, unfair terms)
7. Content and validity II: grounds of invalidity and consequences of invalidity
8. Performance I: issues of performance of the contract (place, time, order, delivery, conformity, passing of risk)
9. Performance II: remedies for non-performance (B2B and B2C)

10. Changes in some aspects of the contract: change of the parties (assignment of the contractual right); set-off and merger; prescription
11. Specific contractual obligations: lease of goods; provision of services
12. Written Exam, Signature

BOOKS, RECOMMENDED READINGS (TO BE COMPLETED):

1. MILLER, LUCINDA: ***THE EMERGENCE OF EU CONTRACT LAW. EXPLORING EUROPEANIZATION.*** Oxford Studies in European Law, Oxford University Press, Oxford 2011.
2. BEALE, HUGH; FAUVARQUE-COSSON, BÉNÉDICTE; RUTGERS, JACOBIE; TALLON, DENIS AND VOGENAUER, STEFAN: ***IUS COMMUNE CASEBOOKS FOR THE COMMON LAW OF EUROPE - NO. 6; CONTRACT LAW, 2ND EDITION,*** Hart Publishing, Oxford 2010. (www.casebooks.eu)
3. FAUVARQUE-COSSON, BÉNÉDICTE AND MAZEAUD, DENIS (eds.): ***EUROPEAN CONTRACT LAW. MATERIALS FOR A COMMON FRAME OF REFERENCE: TERMINOLOGY, GUIDING PRINCIPLES, MODEL RULES,*** sellier. european law publishers, Munich 2008.
4. VON BAR, CHRISTIAN AND CLIVE, ERIC (eds.) - (PREPARED BY STUDY GROUP ON A EUROPEAN CIVIL CODE/RESEARCH GROUP ON EC PRIVATE LAW (ACQUIS GROUP)): ***DRAFT COMMON FRAME OF REFERENCE (DCFR). FULL EDITION (VOLS. 1-6.). PRINCIPLES, DEFINITIONS AND MODEL RULES OF EUROPEAN PRIVATE LAW,*** sellier. european law publishers, Munich 2009.
5. SCHULTE-NÖLKE, HANS; TWIGG-FLESNER, CHRISTIAN; EBERS, MARTIN (eds.): ***EC CONSUMER LAW COMPENDIUM. THE CONSUMER ACQUIS AND ITS TRANSPOSITION IN THE MEMBER STATES,*** sellier. european law publishers, Munich 2008.

With regard to Hungarian contract law

6. HARMATHY, ATTILA (ed.): ***INTRODUCTION TO HUNGARIAN LAW,*** Kluwer Law International, The Hague 1998, pp 81-90 and pp 95-134.
7. SZILÁGYI, FERENC: ***NATIONAL REPORT ON THE TRANSFER OF MOVABLES IN HUNGARY,*** in: Faber, Wolfgang/Lurger, Brigitta (eds.): National Reports on the Transfer of Movable in Europe. Volume 3: Germany, Greece, Lithuania, Hungary, Sellier European Law Publishers, Munich 2011, pp 409-701.

Not yet published

8. SCHULZE, REINER: ***EUROPEAN CONTRACT LAW: A COMMENTARY***, Beck Munich, Hart Publishing, Oxford 2012, ISBN: 978-1849463652 (scheduled for Oct 2012)

9. HESSELINK, MARTIJN: ***AN INTRODUCTION TO EUROPEAN CONTRACT LAW (INTRODUCTION TO EUROPEAN PRIVATE LAW)***, Hart Publishing, Oxford 2013, ISBN: 978-1841131931 (scheduled for the end of 2013)