UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Elective III - CIVIL CONTRACTS

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Elective III - CIVIL CONTRACTS (023B0)

5. Scientific Area

6. Curricular Year

4th

7. Type of Curricular Unit / Semester

2nd Semester

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8. Class type and workload (work time)

Theoretical classes:	30,00
Practical classes:	
Theoretical-Practical Classes	
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutora ANA MARIA CORREIA RODRIGUES PRATA

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

A. Attitudes
- Critical spirit
- Knowledge based on study, reflection and valuation

B. Capabilities
- Investigate and collect information
- Carry out projects
- Develop evaluation and decision-making skills
- Use legal language
- Acquire practical training based on correlative theoretical frameworks

15. Specific Objectives

- Understand the fundamental concepts of Law;
- Understand the legal institutes treated;
- Knowing how to apply the acquired knowledge.

16. Skills to be acquired

- Knowing how to recognize the role of fundamental concepts of Law in the formation of mental frameworks of a jurist;
- Knowing how to investigate and collect information;
- Knowing how to apply acquired knowledge to new situations;
- Knowing how to analyze internal correlations.

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17. Teaching Methodology

- Use of examples from everyday practice;
- Resolution of concrete cases (case method);
- Analysis of legislation and jurisprudence;
- Participation in debates;
- Simulation of real life situations.

18. Course Unit Program

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I - Classic notion of contract: legal-economic framework and its evolution. The principle of contractual freedom and its limitations.

II - Adhesion contracts: concept and regime

III - General contractual clauses: emergence, legal framework and current regime: Decree-Law No. 446/85, of 25 October

1. Scope of application
2. General and special rules
3. Specially regulated pre-contractual obligations. Penalty for non-compliance.
4. Prohibited clauses and consequence of their inclusion.
5. Principle of good faith and its content.
6. Consumer specific problems (consumer notion)
7. The various groups of prohibited clauses: their detailed study.
8. Inhibitory action: concept and regime.

IV - Term of mandate and its regime

1. Distinction between power of attorney and mandate
2. The mandate with representation: regime
3. The mandate without representation: similarity and distinction of business management
4. Misrepresentation.
5. Judicial mandate.

V - Promissory contract. General scheme (recapitulation)

1. The promissory contracts of number 3 of article 410
2. The presumption of signal in article 441
3. The general regime of the signal: penal signal
4. The penitential sign
5. Down payment regime in the promissory contract with anticipation of effects
6. The specific execution: notion.
7. Its suppleness and injunction: description and appreciation.
8. Rationale for number 5 of Article 830: assessment
9. Rule number 4 and critical assessment.

VI - Pre-contractual liability

1. Origin and reason for being
2. The most frequent pre-contractual obligations.
   a) Obligation to inform: positive and negative limits
   b) Obligation of secrecy

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c) Obligation of loyalty
3. Role of the institute
4. Compensable damages
5. Causal relationship between default and damages.

19. Assessment Methods

The evaluation instruments will be determined or to be determined in the Evaluation Regulation of Universidade Lusíada.

20. Didactic Resources

- www.academia.edu;
- Moodle:
- Civil Code.

21. Sustainability Objectives

General
1 - Ensure equal access to education.
2 - Substantially increase the number of young people and adults with relevant qualifications.
3 - Ensure equal opportunities in university education.
4 - Promoting the gradual dematerialization of the teaching/learning process.
Specific
1 - Promote the rule of law.
2 - Contribute to responsible decision-making.

22. Keywords

Civil contract
Obligation
Civil responsability
Good faith

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23. Main Bibliography

Author(s):	Inocêncio Galvão Telles		
Title:	Manual dos Contratos em Geral		
Edition:	4ª	Year:	2010
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Fernando Pessoa Jorge		
Title:	O Mandato sem representação		
Edition:	Reimp.	Year:	2001
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Ana Prata		
Title:	A tutela constitucional da autonomia privada		
Edition:	1ª	Year:	2017
Local:	Coimbra		
Publisher:	Almedina		

24. Complementary Bibliography

Author(s):	Ana Prata		
Title:	Contratos de adesão e cláusulas contratuais gerais		
Edition:	2ª	Year:	2021
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Ana Prata		
Title:	Responsabilidade pré-contratual: uma perspectiva comparada dos direitos brasileiro e português		
Edition:	1ª	Year:	2018
Local:	Coimbra		
Publisher:	Almedina		

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Autor / Author	Prof. Doutora ANA MARIA CORREIA RODRIGUES PRATA
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Colaborador(es) / Colaborator(s)	-
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