

**Advanced Master in Legal Sciences /  
Master in European and Global Law  
2016-2017**

**European Private International Law: contracts and torts**

**Term: 3**

**Number of Credits: 4**

**Language: English**

**Instructor:** Albert Font i Segura and Mònica Vinaixa Miquel

**Office hours:** Wednesday, 16:00-17:00, office number: 40.138

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**Course Description**

Private international law, also known as *conflict of laws*, is a branch of a certain legal system that deals with private law cases in which an international factor can be found. The problems arising from this diversity are related to jurisdiction (which court has jurisdiction), applicable law (which law governs a given legal dispute) and recognition (under what conditions a judgement rendered by a foreign court will be recognized and enforced). The course will try to analyze the singularities of Private International Law as being adopted by the European Union.

**Prerequisites**

Notions of Private International Law

**Methodology**

- 1) The course will be taught following the case-law method, consisting of critical analysis of the leading cases of the ECJ. Students should participate in class discussions, raising and answering questions as a result of the explanations given by the professor. Sessions will be usually structured in two parts: first, professor's lecture about the general lines of the EPIL Regulation at stake; second, case-law discussion based on the cases previously given by the professor (a list of the cases will be provided before starting the course in order to take into account the recent ECJ cases).
- 2) Capacities, skills and abilities expected to be acquired by the students:
  - to identify and extract rules from court decisions, understanding how those rules are structured, and learning how to apply those rules to a specific fact situation
  - to predict the outcome of a legal problem
  - to persuade someone of the correctness of the result being sought
  - to communicate a given analysis (written and oral communication)

- 3) Attendance policy: 80% of attendance to classes is required (greater flexibility shall be accepted in exceptional cases).
- 4) Workload: every student is expected to spend approximately 2 or 3 hours per week in the preparation of the classes; 15 or 20 hours in the completion of the assignments, and 15 or 20 hours in the preparation for the exam

#### Assignments and Evaluation

Students should participate in a way that proves the reading and preparation of the material given by the professor (participation and presentation on a chosen judgment): 30 %

Final exam consisting of a case based on the contents of the course: 35 %

Essay of one of the topics of the course (to be delivered at the end of the course): 35 %

An exam shall be required to obtain the Re-evaluation in the case of having failed the first evaluation.

#### Schedule and Work Plan

##### SESSION 1: [A. Font]

Introduction

##### SESSION 2: [A. Font]

Brussels I recast Regulation (Council Regulation No. 1215/2012 the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters)

##### SESSION 3: [A. Font]

Brussels I recast Regulation (Council Regulation No. 1215/2012 the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters)

##### SESSION 4: [A. Font]

Brussels I recast Regulation (Council Regulation No. 1215/2012 the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters)

##### SESSION 5: [A. Font]

Brussels I recast Regulation (Council Regulation No. 1215/2012 the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters)

SESSION 6: [A. Font]

Brussels I recast Regulation (Council Regulation No. 1215/2012 the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters)

SESSION 7: [M. Vinaixa]

Rome I Regulation (Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations)

SESSION 8: [M. Vinaixa]

Rome I Regulation (Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations)

SESSION 9: [M. Vinaixa]

Rome I Regulation (Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations)

SESSION 10: [M. Vinaixa]

Rome II Regulation (Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations)

SESSION 11: [M. Vinaixa]

Rome II Regulation (Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations)

SESSION 12: [M. Vinaixa]

Rome II Regulation (Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations)

**Bibliography/List of readings and materials**

**Basic/Required Readings and Materials**

- Bodgan, M., *Concise Introduction to EU Private International Law*, Groningen : Europa Law Publishing, 2015
- van Calster, G., *European Private International Law*, Oxford : Hart Publishing, 2013

- Stone, P., *EU Private International Law*, Cheltenham Glos : Edward Elgar Publishing, 2014.

**Further readings:**

- Basedow, J., “Supranational Codification of Private Law in Europe and Its Significance for Third States”, *Ius Comparatum – Global Studies in Comparative Law*, vol. 1, 2014, pp. 47-59

- van Calster, G., “To Unity and Beyond? The Boundaries of European Private International Law and the European *Ius Commune*”, *LIBER AMICORUM WALTER PINTENS*, Alain-Laurent Verbeke et al, eds., 2012

- Campuzano Díaz, B., Czepelak, M., Rodríguez Benot, A., Rodríguez Vázquez, A. (Eds.), *Latest developments of EU private international law*, Intersentia, 2011

- Einhorn, T., American vs. European Private International Law – the Case for a Model Conflict of Laws Act (MCLA), *Convergence and Divergence in Private International Law*, pp. 3-36, K. Boele-Woelki, T. Einhorn, D. Girsberger & S. Symeonides, eds., Eleven/Schulthess, 2010

- Fallon, M.; Kinsch, P., y Kohler, Ch. (eds.), *Le droit international privé européen en construction. Vingt ans de travaux du GEDIP/ Building European Private International Law. Twenty Years' work by GEDIP*, Intersentia, 2011.

- Hartley, T., *International commercial litigation : text, cases and materials on private international law*, Cambridge : Cambridge University Press, 2009

- Kramer, X.E., *European Private International Law: The Way Forward*, 2014, Workshop on Upcoming Issues of EU law. Compilation of in-depth analyses, p. 77-105, available at:  
<http://www.europarl.europa.eu/document/activities/cont/201409/20140924AT89662/20140924ATT89662EN.pdf>

- Kramer, Xandra E., “Current Gaps and Future Perspectives in European Private International Law: Towards a Code on Private International Law?”. Briefing Note European Parliament (2012).

- Kramer, X., “Harmonisation of Civil Procedure and the Interaction with Private International Law”, *Civil Litigation in a Globalising World*, 2012, pp. 121-139.

- Mankowski, P. and Magnus, U., *European Commentaries on Private International Law, Brussels Ibis Regulation*, Munich : Sellier European Law Publishers, 2015.

- Mankowski, P. and Magnus, U., *European Commentaries on Private International Law, Rome I Regulation*, Munich : Sellier European Law Publishers, September 2016.

- Mankowski, P. and Magnus, U., *European Commentaries on Private International Law, Rome II Regulation*, Munich : Sellier European Law Publishers, November 2016.
- Mills, A., "The Identities of Private International Law: Lessons from the U.S. and EU Revolutions", 23 *Duke Journal of Comparative and International Law* 445.
- Ruhl, G., "Unilateralism in European Private International Law". *MAX PLANCK ENCYCLOPEDIA OF EUROPEAN PRIVATE LAW*, Jürgen Basedow, Klaus Hopt & Reinhard Zimmermann, eds., Oxford University Press, 2012.