

Advanced Master in Legal Sciences 2014-2015	
<b>Course: European Private International Law</b>	<b>Term: 3</b>
	<b>Number of Credits: 4</b>
	<b>Language: English</b>
<b>Instructor:</b> Albert Font I Segura	
<b>Office hours:</b> Wednesday, 16:00-17:00, office number: 40.138	
<b>Email:</b> albert.font@upf.edu	

Course Description
Private international law, also known as <i>conflict of laws</i> , 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
<ol style="list-style-type: none"> <li>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.</li> <li>2) Capacities, skills and abilities expected to be acquired by the students: <ul style="list-style-type: none"> <li>- 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</li> <li>- to predict the outcome of a legal problem</li> <li>- to persuade someone of the correctness of the result being sought</li> <li>- to communicate a given analysis (written and oral communication)</li> </ul> </li> <li>3) Attendance policy: 80% of attendance to classes is required (greater flexibility shall be accepted in exceptional cases).</li> <li>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</li> </ol>

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: 30 %

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

Essay of one of the topics 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: [8<sup>th</sup> April 2015]

Introduction

##### SESSION 2: [15<sup>th</sup> April 2015]

Brussels I Regulation

##### SESSION 3: [22<sup>nd</sup> April 2015]

Brussels I Regulation

##### SESSION 4: [27<sup>th</sup> April 2015]

Brussels I Regulation

##### SESSION 5: [4<sup>th</sup> May 2015]

Rome I Regulation

##### SESSION 6: [15<sup>th</sup> May 2015]

Rome I Regulation

##### SESSION 7: [22<sup>nd</sup> May 2015]

Rome II Regulation

##### SESSION 8: [29<sup>th</sup> May 2015]

Insolvency Regulation

##### SESSION 9: [3<sup>rd</sup> June 2015]

Brussels II Regulation

SESSION 10: [8<sup>th</sup> June 2015]

Brussels II Regulation

SESSION 11: [12<sup>th</sup> June 2015]

Regulation on Succession

SESSION 12: [17<sup>th</sup> June 2015]

Exam

**Bibliography/List of readings and materials**

**Basic/Required Readings and Materials**

- van Calster, G., *European Private International Law*, Oxford : Hart Publishing, 2013
- Campuzano Díaz, B., Czepelak, M., Rodríguez Benot, A., Rodríguez Vázquez, A. (Eds.), *Latest developments of EU private international law*, Intersentia, 2011
- 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

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

- 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.

**Further readings and a list of relevant jurisprudence will be provided before the beginning of the course**