

UNIVERSITAS TYRNAVIENSIS



FACULTAS IURIDICA

Private International Law

Course Syllabus

2019/2020

1. Class: 24. September 2019

Organisation of the course

Introduction to Private International Law

Foreign element

Historical development of Private International Law

2. Class: 1. October 2019

Methods of regulation

Typology of rules of Private International Law

Analysis of a conflict rule

Sources of regulation and relations between various types of sources

3. Class: 8. October 2019

International procedural law

International jurisdiction

Forum shopping

Provisional measures vs. jurisdiction as to the substance of the matter

4. Class: 15. October 2019

Jurisdiction in civil and commercial matters

Regulation Brussels I bis

Jurisdiction in matrimonial and family matters

Regulation Brussels II bis

5. Class: 22. October 2019

Judicial cooperation in civil and commercial matters: service of documents and taking of evidence

6. Class: 29. October 2019

General issues concerning the application of a conflict rule and of foreign law

Classification (characterisation)

Obtaining the content of foreign law

Public order, overriding mandatory provisions, ius cogens

7. Class: 5. November 2019

Persons in private international law

The status of natural persons and corporate entities

Legal actions in private international law

8. Class: 12. November 2019

Rights in rem in private international law (jurisdiction and law applicable)

Obligations in private international law (distinction between contractual and non-contractual obligations, direct regulation and conflict-of-laws regulation, sources of law)

9. Class: 19. November 2019

The law applicable to contractual obligations (Rome I Regulation, PIL Act)

10. Class: 26. November 2019

The law applicable to non-contractual obligations (Rome II Regulation, PIL Act, international treaties)

11. Class: 3. December 2019

Recognition and enforcement of foreign judgements in civil and commercial matters

12. Class: 10. December 2019

Free movement of judgements in the EU: European order for payment procedure, European Enforcement Order for uncontested claims, European Small Claims Procedure

Requirements for the completion of the course

- a) Active class participation
- b) Final oral exam. Final exam has two parts: a theoretical question and a case study.

Literature

Basic resources:

1. ROZEHNALOVÁ, N. DRLIČKOVÁ, K. et al. *Czech private international law*. 1st edition. Brno : Masaryk University, Faculty of Law, 2015. 313 p. ISBN 978-80-210-8122-2. Available at:
<https://is.muni.cz/repo/1340211/Czech_Private_International_Law.pdf>
2. ŠTEFANKOVÁ, N. *Introduction to private international law*. [1. ed.]. Plzeň : Vydavatelství a nakladatelství Aleš Čeněk, 2011. 112 p. (Schola et ius). ISBN 978-80-7380-361-2.

Further recommended reading:

1. BOGDAN, M. *Concise introduction to EU private international law*. 3. ed. Groningen : Europa Law Publishing, 2016. 230 p. ISBN: 978-90-8952-177-4.
2. FAWCETT, J. – CARRUTHERS, J. – NORTH, P. *Cheshire, North a Fawcett: Private international law*. 15th edition. Oxford : Oxford University Press, 2017. CXLIII, 1632 p. ISBN: 9780199678983.
3. HILL, D. *Private international law*. Edinburgh: Edinburgh University Press, 2014, 166 p. ISBN 978 1 84586 129 2. Available at:
<<https://openair.rgu.ac.uk/bitstream/handle/10059/2565/HILL%202014%20Private%20international%20law.pdf?sequence=1>>
3. KUNDA, I., DE MELO MARINHO, C. *Practical Handbook on European Private International Law*. European Commission, 2010. Available at:
<https://bib.irb.hr/datoteka/606113.Manual_engleza.pdf>
4. Yntema, H. E. *The Historic Bases of Private International Law*. The American Journal of Comparative Law, Vol. 2, No. 3 (Summer, 1953), pp. 297-317

Legislation and further study materials:

1. BARIATTI, S. *Cases and materials on EU private international law*. [1st ed.]. Oxford : Hart Publishing, 2011. xciii, 1275 p. (Studies in private international law, 4). ISBN 978-1-8494-6027-9
2. European Commission, Directorate-General for Justice and Consumers: Compendium of European Union legislation on judicial cooperation in civil and commercial matters. Luxembourg: Publications Office of the European Union, 2013. ISBN 978-92-79-29634-5. Available at: <http://bookshop.europa.eu/en/compendium-of-european-union-legislation-on-judicial-cooperation-in-civil-and-commercial-matters-pbDS3213339/>

Legal acts

1. The Act No. 97/1963 Coll. on the private international and procedural law, as amended
2. Regulation (EU) No 1215/2012 of 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 (Brussels I bis)
3. Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels II bis)
4. Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)
5. 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 (Rome II)
6. Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations
7. Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims
8. Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure
9. Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure

10. Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000
11. Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters
12. Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession
13. Council Decision of 30 November 2009 on the conclusion by the European Community of the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (2009/941/EC)
14. Convention of 4 May 1971 on the Law Applicable to Traffic Accidents (The Hague Conference on Private International Law)
15. Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (The Hague Conference on Private International Law)

Trnava, 1. October 2019

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