

UNIVERSITAS TYRNAVIENSIS



FACULTAS IURIDICA

Introduction to Private International Law

Course Syllabus *2023/2024*

Tuesday: 17:15 – 18:35, Classroom No. 5
19 Sept. 2023 – 5 Dec. 2023

1. Organisation of the course
The notion, subject matter, and system of Private International Law
Historical development of Private International Law
Sources of regulation and typology of rules in Private International Law

2. International procedural law I
International jurisdiction: sources of legal regulation
Forum shopping
Provisional measures vs. jurisdiction as to the substance of the matter
Jurisdiction in civil and commercial matters: Brussels I regulation, its scope and exclusive jurisdiction

3. International procedural law II
Brussels I regulation: prorogation of jurisdiction, submission to jurisdiction, special (protective jurisdiction), general rule and alternative jurisdiction

4. International procedural law III
Residual Jurisdiction under national law of EU member states
Jurisdiction in matrimonial and family matters (Regulation Brussels II bis)
Judicial cooperation in civil and commercial matters: service of documents and taking of evidence

5. 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

6. Obligations in private international law (distinction between contractual and non-contractual obligations, direct regulation and conflict-of-laws regulation, sources of law)
 - The law applicable to contractual obligations (Rome I Regulation, PIL Act)

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

8. Rights in rem in private international law (jurisdiction and law applicable)
 - Legal acts in private international law

9. Persons in private international law
 - Legal personality and capacity of natural persons and corporate entities (jurisdiction and law applicable)

10. Recognition and enforcement of foreign judgements in civil and commercial matters
 - Free movement of judgements in the EU: European order for payment procedure, European Enforcement Order for uncontested claims, European Small Claims Procedure

11. Recapitulation, case studies

Requirements for the completion of the course

- a) Active class participation
- b) Final exam

The exam is oral and consists of one theoretical question and one case study.

Literature

Compulsory reading:

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. (Selected chapters) 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. (Selected chapters)

Further reading:

1. BOGDAN, M., PERTEGÁS SENDER, M. *Concise introduction to EU private international law*. 4th. ed. Groningen : Europa Law Publishing, 2019. 246 p. ISBN: 978-90-8952-2085.
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://rgu-repository.worktribe.com/output/246907/private-international-law>
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. TEN WOLDE, M., HENCKEL, K. C. *Business and Private international Law in the EU*. Second Edition. Zutphen : Uitgeverij Paris, 2023. 179 p. ISBN: 9789462513181.
5. 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. 2018 edition. Luxembourg: Publications Office of the European Union, 2019. ISBN 978-92-79-62974-7. Available at: <https://op.europa.eu/s/syeM>

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 (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (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 (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast)

11. Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)
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. Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012
14. 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)
15. Convention of 4 May 1971 on the Law Applicable to Traffic Accidents (The Hague Conference on Private International Law)
16. Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (The Hague Conference on Private International Law)

Trnava, 18th September 2023

Martin Bulla, PhD.