UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Diritto Internazionale Privato e Processuale

1819-4-A5810180

Learning objectives

Contents

Private international law deals with 'foreign' cases: i.e. cases that have connections to more than one legal system. As these cases are not located only within one legal system, they set specific problems that are unknown in pure 'internal' cases.
In particular, three kind of questions arise.
First of all, it is necessary to find which court has jurisdiction;
further, it is necessary to find out which law is applicable;
finally, one has to assess under which conditions the decision taken by the competent court will be recognized and can be enforced in a different legal system.

The course hence aims to provide students with legal notions, tools and techniques that are necessary to deal with 'foreign' cases. These are increasingly frequent in today's legal praxis and always new and more difficult issues arise in this context. The course thus completes the legal education and specialization of all those who aim to work in an international environment.

Detailed program

Program for all students

Scope of the course is the Italian regime of PIL as it results from national, International and EU sources of law. All three of the different PIL sections - i.e. jurisdiction, conflict of laws and recognition of decisions - will be dealt with.

The course will thus be structured as follows:

1) Sources of PIL law: Law No 218 of 31 May 1995 on the Italian PIL system; international conventions in PIL (with a special focus on the works of the Hague Conference); EU Regulation on judicial cooperation in civil matters (special focus on The Hague program) .

2) General issues of private international law, structure and functioning of choice of law rules, “renvoi”, classification, public policy and mandatory rules. General provision under Law No 218/1995.

3) Jurisdiction and recognition of decisions. Regulation (EU) No 44/2001 (socalled Brussels I Regulation) and its recent recast. Reference to such Regulation by Law No 218/1995.

4) The law applicable to contractual and non-contractual obligations: Regulations (UE) No 563/2008 (so called Rome I) and No 864/2007 (so called Rome II).

Program for non-attending students

In principle, the program for attending students is based on the same profiles indicated above in relation to non-attending students. However, in order to facilitate the understanding and practical application of legal instruments and rules of private international law, the lessons will be structured in such a way as to give ample space to the examination of some practical cases, taken from the practice or the imagination. . Students will thus be urged to identify the various problematic profiles and to find the related solutions. This work can be done individually or in small groups. In the light of classroom developments, and the response that students will give to these requests from year to year, the exam program may undergo some changes, leading to a more in-depth study of some profiles of the individual regulations, correspondingly balanced by the reduction of other parts of the program. During the lessons will be organized one or more meetings with national or foreign experts on individual profiles of interest and current events.

Prerequisites

Teaching methods

Assessment methods

Type of exam for all students:

Oral exam.

Type of exam for attending students only:

Students attending the class will be given the opportunity to give a written examination instead of the oral one.
Requirements for access to and contents of the written text will be discussed with the Professor at the beginning of year.

Textbooks and Reading Materials

Reference texs for all students

All students should use the following textbooks:

- F. MOSCONI, C. CAMPIGLIO, *Diritto internazionale privato e processuale. Volume I, Parte generale e obbligazioni*, VIII ed., UTET, Torino, 2017.

In addition to text books all students are required to show knowledge of some of the most relevant CJEU decisions , that will be published on the webpage www.dirittoue.it, under the section 'diritto internazionale privato'

Suggested access to PIL sources is by:
- R. CLERICI, F. MOSCONI, F. POCAR, *Legge di riforma del diritto internazionale privato e testi collegati*, VI ed., Giuffré, Milano, 2009.