UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Private International Law

2324-4-A5810180

Learning objectives

The course aims to provide students with the tools to understand the functioning of (i) the rules on jurisdiction, which allow to identify the competent judge to decide a dispute with "transnational elements" and (ii) the conflict-of-lawas rules , which allow you to identify which law is applicable to such disputes.
The course also aims to illustrate to students the functioning of the rules on the recognition and enforcement of decisions within the European judicial area.

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 obly 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

The course aims to deepen the discipline of private international relations, as resulting from the combined provisions of the applicable European Union regulations on jurisdiction and conflicts of law, from the main international conventions and from the Italian law reforming private international law (the May 31, 1995, no. 218).
In the 2021-22 academic year, the classroom course focuses on the analysis of the international family, delving into the many complexities that emerge from the crisis of a family relationship with elements of extraneousness.
Although having the same subject and the same method, the program is therefore structured in a partially different way for *attending students* (who will focus on international family law issues) and for *non-attending students* (contractual and non-contractual law issues)

The lessons will touch on the following aspects:

1. The sources of private international law: The role of the EU in international judicial cooperation. The residual role of conventions and national law
2. General problems of the regulation of relations with elements of extraneousness: function and structure of conflict rules; bilateral conflict rules and unilateral rules; qualification; postponement; limits to the appeal of foreign law.
3. The question of jurisdiction and recognition of decisions: Regulation (EU) No 2019/1111, c.d. Brussels IIb in matrimonial, parental responsibility and international child abduction matters *(attending students only).*
4. The question of jurisdiction and recognition of decisions: Regulation (EU) No 1215/2012, so-called Brussels Ia in civil and commercial matters *(non-attending students only)*
5. The law applicable to divorce (the (EU) Rome III regulation) and international child abduction (the 1980 Hague Convention) *(attending students only).*
6. The law applicable to contractual and non-contractual obligations: the (EU) Rome I and Rome II regulations *(non-attending students only)*

In order to facilitate the understanding and practical application of the legal instruments and rules of private international law, the lessons will be structured in such a way as to give room to the examination of practical cases, drawn from jurisprudential practice or fantasy. Students will thus be encouraged to identify the various problematic issues and to find solutions. This work will be done individually or in small groups.

During the lessons, one or more meetings will also be organized with national or foreign experts on individual profiles of interest and current matters. .

Prerequisites

Students must have passed the exams of:

- European Union law and
- Civil Procedure.

Teaching methods

The course has a seminar and interactive character. It therefore requires the active participation of students in the classroom.
All learning material, which is mandatory for attending students, are published on the course e-learning platform. Students are encouraged to arrive in the classroom having read them in advance.
During the course practical cases will be analyzed and solved.

Assessment methods

All students can choose between two different assessment methods: oral or written assessment.

Written assessment will consist of finding the solution to two practical cases, both involving issues in international family law, and giving a reasoned opinion of the case. Students attending classes will have the possibility to see guided cases solved in class.

Oral assessment implies answering oral questions covered by the textbook and the material posted on the e-learning platform.

Textbooks and Reading Materials

Reference texts for all students
P. BRUNO, *Diritto internazionale privato della famiglia*, Pacini Giuridica 2023

C. HONORATI, M.C. BARUFFI, *Code of private international family law*, Pacini Giuridica, 2 ed., 2021

Sustainable Development Goals

QUALITY EDUCATION | GENDER EQUALITY | PEACE, JUSTICE AND STRONG INSTITUTIONS