UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Private International Law

2425-4-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 system of EU regulation in judicial cooperation in civil matters
4. Jurisdiction and recognition of decisions in family law matters: Regulation (EU) No 2019/1111, c.d. Brussels IIb in matrimonial, parental responsibility and international child abduction matters
5. Jurisdiction and recognition of decisions in civil and commercal matters: Regulation (EU) No 1215/2012, so-called Brussels Ia in civil and commercial matters
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 combines the didactic teaching method with the interactive one in various ways.

During the lessons, the analysis of practical cases resolved by the Court of Justice of the EU will be added to the theoretical and framework discussion. Since the course is interactive, the active participation of students is necessary. All necessary materials are published on the course's e-learning platform and students are encouraged to arrive at class having learned about them in advance.
During the course, practical cases will be analyzed and solved.

The lessons will therefore be structured as follows:
5 lessons of 2 hours held in presence only;
14 2-hour lessons carried out in delivery mode in the initial part, and interactively in the subsequent part. The first part is aimed at providing the tools and knowledge to carry out targeted exercises.
2 lessons of 2 hours carried out only in interactive mode, offering supervised group exercises.

Assessment methods

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

The **written test** will be carried out in the classroom, and will focus on the solution of 2 practical cases relating to issues of private international family law.
The cases will allow the verification of the knowledge imparted during the lessons, in relation to which a comprehensive reasoned opinion will be provided.
During the lessons some guided simulations will be carried out.
The written test is open to everyone, after registering on the platform.

The **oral exam** consists of the preparation of the indicated text, as integrated by the teaching material present on the online platform. The interview is functional to verify the knowledge of the institutes and the fundamental and characterizing concepts of the system, the capacity for autonomous reflection, the terminological precision, the ability and autonomy of exposition.*

Textbooks and Reading Materials

Reference texts for all students
P. FRANZINA, Introduzione al diritto internazionale privato, II ed. Giappichellli, 2023 (ma va bene anche la I edizione)

?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