UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

I Regolamenti Europei in Materia di Famiglia

2526-5-A5810253-A581025301

Learning objectives

The course constitutes a module of the teaching on "The Protection of the International Family". As such, it intends to develop students' specific skills and sensitivity in the cross-border dimension of legal cases, in particular with regard to family relationships.

The objective is therefore to provide the tools necessary to understand and manage disputes in family matters that present foreign elements, both when such disputes must be resolved by the Italian judge and require the determination of the applicable law, and when it is necessary, or even if only appropriate, to bring the disputed issue before a foreign judge, or even obtain recognition of the effects or execution of the Italian sentence in a foreign system.

Contents

Given some basic information on the function of private international law and on the functioning mechanisms of conflict rules, rules on jurisdiction and rules on the recognition of foreign decisions, the course will focus on the analysis of some profiles of the jurisdictional system, with regard to matrimonial relationships and relationships between parents and children (as regulated by Reg. 2019/1111 on jurisdiction, recognition and enforcement of decisions in matrimonial matters and in matters of parental responsibility, and to international child abduction - so-called Brussels II -ter); to then move on to the mechanisms for determining the law applicable to matrimonial relationships (with Regulation No 1259/2010 on the law applicable to divorce and legal separation - so-called Rome III) and to relationships between parents and children (with the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in matters of parental responsibility and measures for the protection of minors).
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.

Detailed program

Function and structure of conflict rules, in particular from European sources
The 'splitting' of cases: separation and divorce, parental responsibility, maintenance obligations
Jurisdiction and applicable law regarding parental responsibility.
The choice of forum and applicable law
Hearing of the minor
Mediation in international disputes

Prerequisites

The course presupposes institutional knowledge of substantive and procedural civil law and private international law, without prejudice to the other general prerequisites

Teaching methods

The course combines delivery and interactive teaching methods in various ways.
Since the course is interactive, the active participation of students is necessary. The 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:

- 2 lessons of 2 hours carried out in delivery only mode
- 9 lessons carried out in delivery mode in the initial part, and in an interactive way in the subsequent part. The first part is aimed at providing the tools and knowledge to carry out targeted exercises.

Assessment methods

Each student can choose between two different exam methods: written or oral.
The written test will be carried out in the classroom, and will focus on the solution of 1 practical case relating to issues of private interactional 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 expository capacity and autonomy.

Textbooks and Reading Materials

Sustainable Development Goals

GENDER EQUALITY | REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS