UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Eu Regulations in Pil Family Law

2627-5-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.

The analysis of the rules applicable to a case involving cross-border elements pending before an Italian court is the subject of the second module, taught by attorney Grazia Cesaro.

Contents

After providing an introductory overview of the function of private international law and the operation of conflict-of-laws rules, jurisdictional rules, and rules on the recognition of foreign judgments, the course will focus on analyzing key aspects of the jurisdictional system regarding matrimonial matters, parental responsibility, and international child abduction, as regulated by Regulation (EU) 2019/1111 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (the so-called Brussels II-ter Regulation). It will then move on to a more in-depth analysis of specific topics, which may vary from year to year.

In particular, during the 2026–2027 academic year, special attention will be devoted to the topic of **international child abduction**.

Starting from real-life cases that have received in the past significant media coverage, the course will analyze the international legal implications and resolution mechanisms for these sensitive situations. The coordination between national jurisdictions as defined by the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and Brussels II-ter Regulation will be investigated.

Throughout the lectures, theoretical discussions and foundational concepts will be complemented by the analysis of practical cases decided by the Court of Justice of the EU.

Detailed program

- Function and structure of conflict-of-law rules, particularly from European sources
- The 'splitting' (dépeçage) of legal issues: separation and divorce, parental responsibility, and maintenance obligations
- The Brussels II-ter system: overview of jurisdiction and recognition of decisions in matrimonial matters and parental responsibility
- International child abduction: the 1980 Hague Convention and its application and rules within the EU
- Relationship between custody proceedings and return proceedings
- Analysis of selected real-life cases

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

The oral examination will be taken at the end of the course and will be held jointly for both modules.
The oral assessment covers the designated text, **supplemented by the teaching materials available on the online platform**.

The exam is designed to assess knowledge of the system's key concepts and fundamental legal institutions, the

capacity for independent reflection, precise terminology, and clear, autonomous presentation skills.

Textbooks and Reading Materials

Paolo BRUNO, *Diritto internazionale privato della famiglia*, Pacini, 2023 (excluding chapters 4, 8, 9, 10).

The text **must be supplemented with the material available online**.Il testo **deve essere intergato con il materiale disponibile online**

Sustainable Development Goals

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