PRIVATE AND PROCEDURAL INTERNATIONAL LAW

*(Francesca Ragno)*

***Learning outcomes***

The course analyzes the questions arising out cross-border private relationships and aims at transmitting to students the tools necessary to understand the meaning, the scope and the applicability requirements of the provisions on jurisdiction, choice-of-law and circulation of foreign judicial acts/decisions in force in the Italian legal system. At the end of the course students will be able to navigate through the plurality of legal sources - also International and European - regulating this field. Students, moreover, will be provided with the methodology and the knowledge essential to solve practical (and often difficult) cases. This ability - crucial to any lawyer who operates in a increasingly transnational reality - will be achieved by promoting critical reasoning and interaction in class.

***Program***

**I. Object, purpose and features of private and procedural international law**

- Origin, evolution and purpose of the subject matter

- Legal sources and unification pursued at International and European level

**II. International procedural law fundamentals** - specific attention will be devoted to Law n. 218/95 and Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (so called Brussels I *bis*)

- Allocation of jurisdiction in transnational cases: heads of jurisdiction and choice-of-court agreements

- Coordination of proceedings pending before different national courts: *lis alibi pendens*

- Mechanism regulating the circulation of decisions: requirement for the recognition and enforcement of foreign decisions

**III. "Choice of law" problem and coordination methods**

- Structure and function of choice of law provisions, connecting factors

- Characterization and preliminary questions, *renvoi*

- Ascertainment and interpretation of foreign law

- Public policy and overriding mandatory provisions

- Overview on the EU choice of law regulations: characteristics and peculiarities of the EU choice of law regime

- Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (so called Rome I)

- Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (so called Rome II)

***Textbooks***

*a)* B. Barel e S. Armellini, *Diritto internazionale privato. Manuale breve*, XIII ed., Milan, 2018

or

*b)* F. Mosconi e C. Campiglio, *Diritto internazionale privato e processuale*, *Vol. I: Parte generale e obbligazioni*, VIII ed., Turin, 2017

***Teaching method***

Each class will be based on lectures - devoted to the transmission of key notions and concepts and supported by PowerPoint presentations - and group discussions on real cases. In order to be able to actively partecipate in class, students will be required to read in advance the decisions that are going to be analyzed. Legal materials, relevant decisions and further readings will be posted on the e-learning platform.

***Exam method***

Attending students: oral exam on the program covered in class. Alternatively, students have the possibility to take a written exam before the beginning of the exam session. Students choosing the aforementioned option will be required to solve two practical cases.

Non-attending students: oral exam on the topics covered by the course textbooks.