**Private International Law**

## Prof. Pietro Franzina

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to provide students with critical knowledge of a selection of rules of private international law applicable in Italy. To this end, after illustrating the theoretical bases of the discipline, the course will discuss the main issues that may arise in the application of these rules in the light of case law and practice.

At the end of the course, students will be able to identify the main issues raised by private-law relations with a cross-border element and articulate their discussion, identify the rules that respond to those issues, and retrieve such information (court rulings, scholarly works etc.) as may be useful for their understanding. Student will thus be able to correctly approach and solve real-life cases.

***COURSE CONTENT***

The object of private international law and its distinctive features. Legal sources and their interplay. Jurisdiction: general and theoretical issues; Regulation (EU) No 1215/2012 (Brussels I *bis*) and the Italian Statute on Private International Law. Applicable law: general and theoretical issues; the law applicable to contracts pursuant to Regulation (EC) No 593/2008 (Rome I); the law applicable to non-contractual obligations pursuant to Regulation (EC) No 864/2007 (Rome II). Recognition and enforcement of foreign decisions: general and theoretical issues; Regulation (EU) No 1215/2012 (Brussels I *bis*) and the Italian Statute on Private International Law; uniform procedures aimed at facilitating the cross-border movement of enforceable titles: in particular, the European order for payment procedure and the European account preservation order. Judicial cooperation as regards the taking of evidence and the service of documents. The course also includes a series of lectures the private international law aspects of the breakdown of marriage.

***READING LIST***

P. Franzina, *Introduzione al diritto internazionale privato,* Giappichelli, 2021; P. Franzina, *La crisi matrimoniale – Profili di diritto internazionale privato*, forthcoming.

***TEACHING METHOD***

The lectures are complemented by seminars in which students are invited to play an active role, presenting short research works and discussing practical cases. In addition to lectures and practical exercises, the course offers the following: interviews with legal practitioners (notaries, judges, lawyers, civil status officers); conference-lecture in English held by professors of foreign universities; a seminar on the use of the main databases; a procedural simulation.

***ASSESSMENT METHOD AND CRITERIA***

The exam is written. It is made of two parts: the first part consists in solving a practical case; the second part consists in providing a brief illustration of a topic of the syllabus. The exam aims to verify the student's ability to solve practical problems through their correct theoretical framework and a reasoned presentation of the relevant rules and legal concepts. These are the assessment parameters: (a) ability to identify the issues raised by the questions and cases proposed, and ability to identify the rules that provide their solution; (b) ability to articulate the reasoning that leads to answering the proposed questions, gradually moving from the premises to the conclusions; (c) relevance and richness of the normative, jurisprudential, doctrinal authorities referred to; (d) ability to propose a critical reading of the topics studied, highlighting, where appropriate, gaps or coordination problems in the regulatory framework and in the state of case law, and envisaging possible solutions.

***NOTES AND PREREQUISITES***

Understanding the topics covered in the course presupposes knowledge of the principles governing the relationships between internal rules, international conventions and European Union standards, as well as the principles concerning the extension and exercise of the competences, including external ones, of the European Union. A basic knowledge of international standards for the protection of human rights is also required, as well as of the Italian private law of the family, of obligations and of contracts. Equally necessary is the knowledge of the fundamentals of Italian civil procedural law.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.