**Private International Law**

## Prof. Pietro Franzina

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

The course aims to provide students with a critical knowledge of the main rules of private international law that apply in Italy, as they result from EU legislative measures, international conventions and domestic sources. To this end, after a discussion of the object and general features of private international law, the course will focus on a selection of rules, mainly relating to contracts, torts and divorce processindgs, and examine the issues raised by the said rules in the light of case law and practice.

At the end of the course, students will be able to identify the main questions raised by real-life cases and provide a reasoned answer to those questions, based on the pertinent legal texts. They will also be able to retrieve and analyse court rulings and scholarly works.

***COURSE CONTENT***

The object of private international law and its distinctive features. Legal sources and their interplay. Jurisdiction: general issues; Regulation (EU) No 1215/2012 (Brussels I *bis*), the Hague Choice of Court Convention, Regulation (EU) 2019/1111 (Brussels II *ter*), Regulation (EC) No 4/2009 (selected issues), the Italian Statute on Private International Law. Applicable law: general issues; Regulation (EC) No 593/2008 (Rome I), Regulation (EC) No 864/2007 (Rome II), Regulation (EU) No 1259/2010 (Rome III), the Hague Convention on the Protection of Children (selected issues). Recognition and enforcement of foreign decisions: general issues; Regulation (EU) No 1215/2012 (Brussels I *bis*), the Hague Choice of Court Convention, the Hague Judgments Convention, Regulation (EU) 2019/1111 (Brussels II *ter*), Regulation (EC) No 4/2009 (selected issues), 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.

***READING LIST***

P. Franzina, *Introduzione al diritto internazionale privato,* 2nd ed., Giappichelli, 2023.

***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. The course will also feature interviews with legal practitioners (notaries, judges, lawyers, civil status officers), lectures in English held by professors of foreign universities, a workshop on the use of the main databases; a moot court competition.

***ASSESSMENT METHOD AND CRITERIA***

Students are assessed through a written exam made of two parts: the first part consists in solving a practical case; the second part consists in discussing a rule, a notion or a technique within the scope of the course. The exam aims to verify the student’s ability to solve practical problems based on a methodologically sound approach and through an orderly and convincing discussion of the relevant rules. The following standards apply: (a) ability to identify the issues raised by the case proposed, and the rules that provide their solution; (b) ability to properly articulate the legal reasoning leading to the solution of the case; (c) relevance and wealth of the normative authorities relied upon in support of the solutions proposed; (d) ability to propose a critical reading of the topics studied.

***NOTES AND PREREQUISITES***

Students are expected to have a knowledge of the issues that surround the relationship between EU law and domestic law, and the relations between international conventions and domestic law. Students are also expected to have a knowledge of the main Italian rules of private law relating to contracts and torts. A basic knowledge of the law of civil procedure is advisable.

*Place and time of consultation hours*

See *https://docenti.unicatt.it/ppd2/it/docenti/59200/pietro-franzina*.