## SUBJECT DETAILS

<table>
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<tr>
<th>Data on the subject</th>
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<tbody>
<tr>
<td><strong>Name</strong></td>
<td>Recognition and Enforcement of Foreign documents in the EU</td>
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<tr>
<td><strong>Degree</strong></td>
<td>Postgraduate in Master in International and European Business Law</td>
</tr>
<tr>
<td><strong>Year</strong></td>
<td>2015-16</td>
</tr>
<tr>
<td><strong>Nature</strong></td>
<td>Fall</td>
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<tr>
<td><strong>ECTS Credits</strong></td>
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<tr>
<td><strong>Department</strong></td>
<td>Law</td>
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<td><strong>Area</strong></td>
<td>Law</td>
</tr>
<tr>
<td><strong>Teaching staff</strong></td>
<td>Juan Ignacio Signes de Mesa</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Data on the teaching staff</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Teaching staff</strong></td>
<td>Juan Ignacio Signes de Mesa</td>
</tr>
<tr>
<td><strong>e-mail</strong></td>
<td><a href="mailto:Ignacio.signes@curia.europa.eu">Ignacio.signes@curia.europa.eu</a></td>
</tr>
<tr>
<td><strong>Telephone</strong></td>
<td>+352.43.03.47.45</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td>European Court of Justice</td>
</tr>
<tr>
<td><strong>Tutoring Schedule</strong></td>
<td>Upon request from students</td>
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## SPECIFIC DATA ON THE SUBJECT

### Pre-requisites

Knowledge of the EU legal order and EU principles of law; basic knowledge of the structure and functioning of EU institutions, its legal instruments and procedures. Basic knowledge of international private law.

### Contribution of the degree to the professional profile

This course aims to provide an overview of the regime concerning the recognition and enforcement of foreign documents in the EU and, also, the recognition and enforcement of EU documents abroad. Special emphasis is given to the recognition and enforcement of judicial and arbitral resolutions within the European Union. This subject is also meant to provide the student with a thorough knowledge of the interaction between EU legal order and national law in the field of international private law.
## COMPETENCES TO BE IMPROVED

Knowledge of the EU rules governing the recognition and enforcement of judgments in civil and commercial matters in all member states. Understanding of the interaction of the EU regulation 1215/2012, the Lugano convention and the Brussels convention. Knowledge of the main provisions concerning the recognition and enforcement of arbitral awards in the EU and abroad, including understanding the role of the New York Convention. Practical understanding of the exequatur procedure under Spanish law (analysed as an example of this procedure) and in the context of international private law. Use of relevant databases regarding EU law and case law of the EU courts.

## THEMATIC AREA AND CONTENT

### AREA 1: Overview of the EU legal system

#### Theme 1: Introduction to the European legal order

1.1 – Free movement and internal market  
1.2 - European Union institutions  
1.3 – Mechanism of enhanced cooperation

#### Theme 2: European legal order

2.1 – Sources of EU Law
   - Primary sources (founding treaties, agreements with third countries, agreements between Member States and general principles of law).
   - Secondary sources (regulations, directives and others)

2.2 – Direct effect and primacy  
2.3 – The role of the European Court of Justice

### AREA 2: Recognition and enforcement of judgments in civil and commercial matters

#### Theme 1: EU Regulation 1215/2012

1.1 – Scope. The Stockholm programme  
1.2 – Recognition  
1.3 – Enforcement  
1.4 – Refusal of recognition and enforcement  
1.5 – Authentic documents and courts settlements  
1.6 – Transitional provisions  
1.7 – Relationship with other instruments  
1.8 – Proposal of amendment

#### Theme 2: Lugano convention

2.1 – Scope and parties to the convention  
2.2 – Relationship with EU regulation 1215/2012

#### Theme 3: Brussels convention
### 3.1 – Scope and parties to the convention

### 3.2 – Relationship with EU regulation 1215/2012

#### AREA 3: Recognition and enforcement of foreign arbitral awards

**Theme 1: New York Convention**

- 1.1 – Summary of provisions
- 1.2 – Parties to the Convention
- 1.3 – States which are not party to the Convention
- 1.4 – United States issues

#### AREA 4: Exequatur procedure

**Theme 1: The Exequatur Spanish system**

- 1.1 – Exequatur and sovereignty
- 1.2 – Conditions
- 1.3 – Exequatur of judgments and arbitral awards
- 1.4 – Other examples: exequatur in other Member States of the EU and third countries

#### AREA 5: Free movement of public documents in the EU

**Theme 1:**

- 1.2 – Recent developments: EU Regulation 615/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession

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**BIBLIOGRAPHY AND RESOURCES**

**Basic Bibliography**

**Text books**

- Stone, P., EU Private International Law (Elgar European Law Series, 2012)

**Chapters of books**

- Martiny, D., “Jurisdiction, recognition and enforcement in cases of reimbursement claims by public bodies” in The recovery of maintenance in the EU and worldwide. 2014, p. 485-496

**Articles**

- Forejtová, M., “Recognition and enforcement of judgments within the EU: or is it really so easy to achieve them?”, The lawyer quarterly. Vol. 5 (2015), p. 59-72.

**Websites**

- [www.ec.europa.eu](http://www.ec.europa.eu)
- [www.eur-lex.europa.eu](http://www.eur-lex.europa.eu)
- [www.curia.europa.eu](http://www.curia.europa.eu)

**TEACHING METHODOLOGY**

**General methodological aspects of the subject**

**Contact hours methodology: Activities**

Socratic pragmatically-oriented method: the course is based on active methodologies and strongly rely on EU regulations, the case-law of European courts and international conventions. The format followed for this part of the programme shall not be a lecture, but a discussion and general participation by the students commenting on the regulations, judgments and articles suggested by the instructor.
Independent study methodology: Activities

Every student is required to attend the teaching sessions and to do the preparatory work. The instructor will provide the students with a syllabus comprising the most relevant materials (regulations and case-law) and a concrete schedule of review for these materials. In order to follow the presentation it is necessary to have examined beforehand the relevant statutes and case-law, as well as relevant articles of doctrine to which the student is directed to for each session according to the bibliography provided.

### SUMMARY OF STUDENT WORK HOURS

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<tr>
<th>Activity</th>
<th>Number of class hours</th>
<th>Number of independent study hours</th>
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<tr>
<td>Practical class</td>
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<tr>
<td>Debate</td>
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<tr>
<td>In class presentation</td>
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<tr>
<td>Individual work</td>
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<tr>
<td>Work in collaboration</td>
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<tr>
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<td></td>
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<td>Others</td>
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## GRADE EVALUATION AND CRITERIA

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<th>Generic Competences</th>
<th>Indicators</th>
<th>Evaluation Weighting</th>
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<tr>
<td>Individual work (CE)</td>
<td>Reading of materials</td>
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<tr>
<td>Work in collaboration (CE)</td>
<td>Practical cases</td>
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<tr>
<td>Debate (CE)</td>
<td>Analysis of statutes and judgements of the ECJ</td>
<td>*</td>
<td>10%</td>
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<td>Evaluation: exam (final)</td>
<td>The final exam will consist of several theoretical and practical questions, based on the content of the course.</td>
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<td>Compulsory</td>
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