

I. SUBJECT DETAILS

Data on the Subject	
Name	Private International Law
Degree	Law
Year	
Type	Semester course
ECTS Credits	4,5
Department	Private Law
Area (-s)	Private International Law
Teacher (-s)	Prof. Javier de Carvajal Cebrián, Attorney-at-Law.

Data on the teaching staff	
Teacher	Prof. Javier de Carvajal Cebrián, Attorney-at-Law.
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Contribution of the degree to the professional profile
<p>The recent evolution of Private International Law and the increasing Europeanisation of legislation enacted by the EU member States makes international laws on civil procedure greater important nowadays.</p> <p>This subject studies the international jurisdiction of state courts and the recognition and enforcement of foreign decisions. By offering a practical focus, in which case law occupies a position of privilege, students learn the rules applicable to the subject and main institutions of Private Law. Students will then go on to analyse the idiosyncrasies generated by the presence of an international component in proceedings and international legal assistance (evidence, service and information on foreign law).</p> <p>This will complete the study of Private International Law and will offer an overall vision of the problems faced this area currently required by legal professionals.</p>

II. COMPETENCES TO BE DEVELOPED

Generic Competences
Personal
<p>Development of interpersonal skills</p> <p>While studying international civil procedure law, students will face the challenge of finding a just solution in private international disputes, where the observance of effective judicial protection is not always guaranteed.</p> <p>In a context marked by the presence of different procedural regulations, students will understand the difficulties faced with the aim of achieving the desired outcome: that a single state court or judge decide on a dispute and that their decision be effective in all the States that it affects.</p> <p>Students will become aware of the need to reconcile conflicting interests, while acting in good faith, to ensure the best possible outcome to the international dispute.</p> <p>By doing so, students develop a constructive and compromising mind-set that is conducive to reaching a balanced agreement among parties with differing interests, which will be very useful throughout their professional careers.</p>
<p>Critical judgement</p> <p>Given the current backdrop in which Private International Law is developing at pace, students will become aware of the problems generated by the presence of the State and develop the ability to display critical judgment: they will detect existing deficiencies and come to raise and explore possible improvements.</p> <p>Students will also understand the value of international agreements and, particularly, the importance of the accomplishments made in the context of European integration.</p> <p>A vital instrument in this context is case law analysis: by analysing the correct and defective decisions made by judges, students are able to see how new solutions can be found, how regulatory deficiencies come to light and the difficulties in interpreting texts; in doing so, students develop a critical judgement that will be to their advantage in a legal arena subject to constant change.</p>
Specific Competences
Conceptual (knowledge)
<p>Perceive the legal system as an organic, albeit complex, whole, particularly in the context of Private law.</p> <p>Know the concepts and reasoning inherent to Private International Law.</p>
Professional (know how)
<p>Understand the solutions currently afforded by Private International Law in the context of private international disputes (competent judge, effect of international decisions, international judicial cooperation).</p>

III. COURSE SYLLABUS

Topic 1: PRIVATE INTERNATIONAL LAW

1. Content.

2. Rules: European regulations, treaty law and domestic norms.

Topic 2: INTERNATIONAL JURISDICTION

1. Basic notions.

1.1. Concept.

1.2. Interpretation of state and non-state provisions.

1.3. The criteria of jurisdiction and its scope. Principle of legal determination.

2. The Spanish system.

2.1. Historical evolution and current system.

2.2. "Brussels I": general characteristics and scope of application.

2.3. The Spanish Organic Law of the Judiciary.

3. International jurisdiction of the Spanish courts in the context of Private law.

3.1. Exclusive jurisdiction: meaning and subject matter.

3.2. Express and tacit submission: concept, requirements and impact.

3.3. The respondent's domicile.

3.4. Special jurisdiction due to the subject-matter.

3.5. Provisional and protective measures.

4. Problems in applying the rules of international jurisdiction.

4.1. International lis pendence and international connected actions.

4.2. Verifying international jurisdiction.

Topic 3: PROCEDURES WITH A FOREIGN COMPONENT

1. Introduction.

2. Law applicable to the proceedings.

2.1. Application of "*lex fori*" in a procedural context. Scope of the provision.

2.2. Eligibility to be a party, procedural capacity, entitlement, representation and counsel.

2.3. Evidence.

2.4. Free legal assistance.

3. International legal assistance.

3.1. European, treaty and Spanish rules.

3.2. Service.

3.3. Obtaining evidence.

3.4. Information on foreign law.

Topic 4: RECOGNITION AND ENFORCEMENT OF DECISIONS, ACTS AND FOREIGN DOCUMENTS

1. Introduction. Entering a foreign decision as evidence.

2. Basic notions.

2.1. Effects of foreign decisions.

2.2. Recognition and declaration of enforceability.

3. The Spanish system.

3.1. Historical evolution and current system.

3.2 "Brussels I".

3.3. The Spanish Law of Civil Procedure of 1881 and case law. Current relevance of reciprocity.

4. Decisions eligible for recognition and a declaration of enforceability.

5. Conditions for recognition and a declaration of enforceability.

6. The exequatur procedure.

7. Recognition of other decisions, acts and documents. Particular look at voluntary jurisdiction and foreign arbitral awards.

IV. BIBLIOGRAPHY AND RECOURSES

Basic Bibliography

Text books

- M. Bogdan, Concise Introduction to EU Private International Law, Europa Law Publishing, Groningen 2012
- I. Kunda and C.M. Gonçalves de Melo Marinho, Practical Handbook on European Private International Law, 2010

Additional recourses

- National rules on Private International Law
- International Treaties
- European Regulations

V. METHODOLOGY

In class: Activities

Master classes. The professor develops the subject with practical and applied guidance and with a focus on student participation. Whenever necessary, the profession will point out the subjects that the student must know to take proper advantage of the classes.

Oral presentations. They can have as their focus either practical case studies, legal texts or case law. In the first class, the professor will explain the methodology proposed, thus enabling students in subsequent classes to take the stage by means of individual or group presentations. These presentations will be prepared previously according to the guidelines provided by the professor. The presentations will be followed by a general debate in which potential difficulties that have been raised may be resolved or where other pertinent aspects may be addressed.

Outside class: Activities

The students' work outside class

Preparing master classes with the material proposed by the professor.

Preparing the case studies and comments on legislation and case law covered in the oral presentations.

Individual study.

VI. SUMMARY OF STUDENT WORK HOURS

SUMMARY OF STUDENT WORK HOURS			
Activity	Number of contact hours	Number of independent study hours	Total number of hours
Lecture	25	25	50
Practical class	10	12	22
Debate	8	10,5	18,5
Evaluation: exam	1	20	21
Evaluation: exam review	1		1
ECTS Credits:	45	67.5	112.5

VII. GRADE EVALUATION AND CRITERIA

Evaluation Activities	Competences	Indicators	Evaluation Weighting
Cases	All competences will be evaluated	Understanding of essential concepts of the course	20 %
Debate	All competences will be evaluated	Understanding of essential concepts of the course Communication skills	10 %
Evaluation: Exam	All competences will be evaluated	Understanding of essential concepts of the course	70 %
Grades			
<p>The final course grade (100%) will be made up of:</p> <ul style="list-style-type: none"> a) 70% will come out of one exam (closed book) which will be made up of a combination of theoretical and practical questions addressing the generic and specific competences. The exam will last 1 hour b) 20% will come out of the two practices the students will have to prepare in writing (10% each) c) 10% will come out of the student active and meaningful participation in class, particularly on debates and class presentations 			