

Introduction to European Private International Law - opis przedmiotu

Informacje ogólne	
Nazwa przedmiotu	Introduction to European Private International Law
Kod przedmiotu	10.2-WX-E-IEPIL- 20
Wydział	Wydział Nauk Prawnych i Ekonomicznych
Kierunek	WPiA - oferta ERASMUS
Profil	-
Rodzaj studiów	Program Erasmus
Semestr rozpoczęcia	semestr zimowy 2020/2021

Informacje o przedmiocie	
Semestr	2
Liczba punktów ECTS do zdobycia	5
Typ przedmiotu	obowiązkowy
Język nauczania	angielski
Sylabus opracował	<ul style="list-style-type: none">dr Magdalena Wasylkowska-Michór

Formy zajęć					
Forma zajęć	Liczba godzin w semestrze (stacjonarne)	Liczba godzin w tygodniu (stacjonarne)	Liczba godzin w semestrze (niestacjonarne)	Liczba godzin w tygodniu (niestacjonarne)	Forma zaliczenia
Ćwiczenia	15	1	-	-	Zaliczenie na ocenę

Cel przedmiotu

The private international law of the Member States is increasingly regulated by European law, making private international law ever less 'national' and ever more EU based. Over the course of the last few decades, the European legislature has adopted about 18 Regulations in the area of private international law. Consequentially EU law in this area has penetrated national law to a very high degree, making it an essential area of study and an academic subject as well. Taking above mentioned into account, the aim of the course is to provide for foreign students an essential guide to this complex field of EU law. Specific EU private international law instruments will be addressed with a particular emphasis on their interpretation by the European Court of Justice. That is why this course constitutes a thorough overview of core European private international law, including the Brussels I, Rome I and Rome II Regulations (jurisdiction, applicable law for contracts and tort) and recently adopted Succession Regulation.

Wymagania wstępne

General knowledge in the principles of european private international law.

Zakres tematyczny

- Legal basis for european private international law established in EU Treaties;**
- Jurisdiction,** (*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*, OJ L 351, 20.12.2012, p. 1–32, *Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)*, and repealing Council Regulation (EC) No 1348/2000 OJ L 324, 10.12.2007, p. 79–120, *Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters*, OJ L 174, 27.6.2001, p. 1–24, *Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility*, repealing Regulation (EC) No 1347/2000, OJ L 338, 23.12.2003, p. 1-29): general provisions, special jurisdiction, jurisdiction in particular matters, (including jurisdiction in matrimonial matters and the matters of parental responsibility), exclusive jurisdiction, recognition and enforcement of judgements, (including judgments in matrimonial matters and the matters of parental responsibility), service of judicial and extrajudicial documents in civil or commercial matters in the Member States of EU, taking of evidence in civil or commercial matters;
- Family Law,** (*Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation*, OJ L 343, 29.12.2010, p. 10-16, *Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes*, OJ L 183, 8.7.2016, p. 1–29, *Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships*, OJ L 183, 8.7.2016, p. 30–56, *Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations*, OJ L 7, 10.1.2009, p. 1–79, *Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations*): uniform rules on the law applicable to divorce and legal separation, law applicable in matters of matrimonial property regimes, law applicable to registered partnerships, law applicable to maintenance obligations;
- Tort Law,** (*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 (Rome II)*, OJ L 199, 31.7.2007, p. 40–49, *Convention of 4 May 1971 on the Law Applicable to Traffic Accidents*): law applicable to torts/delicts, law applicable to other non-contractual obligations, law applicable to traffic accidents;
- Contract Law,** (*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)*, OJ L 177, 4.7.2008, p. 6–16): freedom of choice, law applicable in the absence of choice, law applicable to particular types of contracts;
- Succession Law,** (*Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 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*, OJ L 201, 27.7.2012, p. 107–134, *Convention of 5 October 1961 on the Conflicts of Laws Relating to the Form of Testamentary Dispositions*): law applicable to succession

Metody kształcenia

Students are expected to take part in regular lectures, (online form of the lectures can also be available). The course is designed to last 15 hours. Moreover students will need to devote about 20-30 hours to homework.

Efekty uczenia się i metody weryfikacji osiągnięcia efektów uczenia się

Opis efektu	Symbole efektów	Metody weryfikacji	Forma zajęć
By the end of the course students should: 1. have good understanding of european private international law regulations mentioned above, the basic principles of european private international law, 2. use basic concepts and understand main problems of european private international law, 3. have a good knowledge about the most important judgements of European Court of Justice in the field of european private international law.		<ul style="list-style-type: none">• aktywność w trakcie zajęć	<ul style="list-style-type: none">• Ćwiczenia

Warunki zaliczenia

Students will work on a task to solve a particular legal problem concerning european private international law, oral form of exam is also acceptable.

Literatura podstawowa

Obligatory reading (english version)

1. *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*, OJ L 351, 20.12.2012, p. 1–32,
2. *Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000* OJ L 324, 10.12.2007, p. 79–120,
3. *Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters*, OJ L 174, 27.6.2001, p. 1–24,
4. *Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000*, OJ L 338, 23.12.2003, p. 1–29,
5. *Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation*, OJ L 343, 29.12.2010, p. 10–16,
6. *Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes*, OJ L 183, 8.7.2016, p. 1–29,
7. *Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships*, OJ L 183, 8.7.2016, p. 30–56,
8. *Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations*, OJ L 7, 10.1.2009, p. 1–79, *Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations*,
9. *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 (Rome II)*, OJ L 199, 31.7.2007, p. 40–49,
10. *Convention of 4 May 1971 on the Law Applicable to Traffic Accidents*,
11. *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)*, OJ L 177, 4.7.2008, p. 6–16),
12. *Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 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*, OJ L 201, 27.7.2012, p. 107–134, *Convention of 5 October 1961 on the Conflicts of Laws Relating to the Form of Testamentary Dispositions*)

Literatura uzupełniająca

Uwagi

Zmodyfikowane przez dr Magdalena Wasylkowska-Michór (ostatnia modyfikacja: 30-11-2020 07:40)

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