

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
WEST UKRAINIAN NATIONAL UNIVERSITY
LAW FACULTY**



Approved
T. Dean of Faculty of Law
Nadija MOSKALYUK
» 2023



Approved
A. vice rector for scientific and pedagogical work
Viktor OSTROVERKHOV
» 2023

**Work program
discipline**

«International property law»

Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International law
Educational and professional program – «International law»

Department of International Law and Migration Policy

Form of study	Study year	Semester	Lectures	Practical classes	Individual work	Training, CPIT	Student-self study	Total	Exam/Credit
Full-time	4	7	26	26	3	7	88	150	Exam

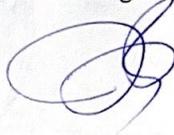
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The work program was developed on the basis of the educational and professional program for Bachelor's field of knowledge 29 International relations, specialty 293 International law (approved by the Academic Council of WUNU, Protocol No. 10 from 24.06.2020).

The work program was prepared by the Associate Professor of the Department of International Law and Migration Policy Dr. Nataliia MARTSENKO

The work program was considered and approved at the meeting of the Department of International Law and Migration Policy, Protocol No. 1 dated August 29, 2023.

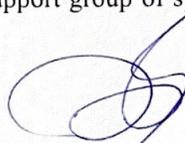
Head of Department



Yaryna ZHUKORSKA

Considered and approved by the Support group of specialty 293 International law, Protocol No. 1 dated August 31, 2023.

Head of the SGS



Yaryna ZHUKORSKA

Guarantor of EP



Liudmyla SAVANETS

**STRUCTURE OF THE WORK PROGRAM OF THE EDUCATIONAL DISCIPLINE
«International property law»**

1. Description of the discipline «International Property Law»

The discipline «International property law»	Field of knowledge, specialty, educational and professional program, higher education degree	Characteristics of the educational discipline
Number of ECTS credits - 5	Field of knowledge - 29 «International relations»	Discipline status: normative Language of study: English
Number of credit modules - 4	Specialty – 293 «International law»	Year of study - 4 Semester – 7
Number of contents modules - 2	Educational and Professional Program - 293 International Law	Lectures – 26 hours. Practical classes – 26 hours.
Total number of hours – 150 hours.	Higher education degree – Bachelor	Student-self study – 88 hours, Training and CPIT is 7 hours. Individual work – 3 hours.
Weekly hours – 10, of which classroom hours – 4 hours		Type of final control – exam

2. The purpose and tasks of the discipline «International Property Law»

2. 1. The purpose of studying the discipline:

The purpose of the discipline «International property law» is a deep and thorough study by students of the peculiarities of legal regulation of property relations with a foreign element in private law.

2. 2. The task of studying the discipline:

To form the ability to: identify, formulate and evaluate problems in the field of international property law, apply tools, means and methods of international property law to solve them; to thoroughly research modern problems of real property relations in international private law; operate with a specific categorical apparatus, modern theories and concepts; carry out a critical analysis of the interaction of theory and practice.

2. 3. Name and description of competences, the formation of which ensures the study of the discipline:

SC 12. Ability to understand the nature of international legal regulation of property relations with a foreign element.

SC 13. Ability to give advice on legal issues, including possible ways of protection of property rights in legal relations with a foreign element.

2.4. Prerequisites for studying the discipline

A prerequisite for studying the academic discipline «International property law» is the following discipline: «Private international law», «European Union Law».

2. 5. Learning outcomes:

LO 20. Provide professional advice on the peculiarities of regulating property relations with a foreign element.

LO 21. To formulate recommendations on possible ways to protect property rights in legal relations with a foreign element.

3. Program of the academic discipline «International Property Law»

Content module 1

Topic 1: Property law: general legal provisions

Concept and essence of property law. Principles of property law. Peculiarities of the exercise and protection of property rights.

Property rights titles. State registration of property rights. System of property rights.

Topic 2: General characteristics of the main property rights in international law

General provisions on ownership. Acquisition, transfer and termination of ownership. Objects of ownership. The right of joint ownership. The right of trust property. The right of possession in international law.

General provisions on property rights to other people's property. The right to limited use of someone else's property (servitude). The right to use someone else's land for agricultural purposes (emphyteusis). The right to use someone else's land plot for development (surfaces).

The right of economic management and the right of operational management.

Topic 3: Quasi-real rights in private international law

General provisions on quasi-property rights. Trust property management. Property "right of expectation". Pledge as a real right. Use of property as a real right. Illegal bona fide possession and property rights. The right to preemptive purchase of property. The right of beneficial ownership. Timeshare and quasi-property rights.

Topic 4: Security property rights

General characteristics of security rights. System of security rights.

Types of collateral property rights. Pledge. Mortgage. Adherence Reservation of the seller's property rights in the sales contract. Security ownership right.

Content module 2

Topic 5: General characteristics of property rights with a foreign element

General characteristics of property rights with a foreign element .

The concept and system of property rights with a foreign element. Trends in property rights with a foreign element. Qualification of movable and immovable property. Models of ownership in international private law. Sources of legal regulation of property relations in international private law.

Topic 6: Conflicting bindings of property rights

The legal characteristic of conflict binding is "the law of the place where the thing is located" (*lex rei sitae*).

Collision bindings of the emergence and termination of property rights. Collision bindings of the law of the place of property registration and the law of the place of stay on the road (*lex in transit*). Legal regime of property of the state of Ukraine, citizens of Ukraine and Ukrainian legal entities abroad.

Protection of property rights and other property rights. Nationalization in international private law. Extraterritorial effect of laws on nationalization.

Trust and trust-like structures.

Topic 7: General characteristics of property law of the European Union

Property law as a nationally and EU-oriented field. Existing EU substantive law. The concept of property rights and property rights. Principles of EU property law. Transfer of property rights to movable property.

The system of property law of the EU. Property right as a fundamental right. Cultural subjects.

Overdue payments. Insolvency. Financial security agreements. Timeshares and long-term tourist products in EU law. "Emission rights", other quasi-real rights in real EU law.

Development of EU property law. DCFR. Objects of "cyber property" or virtual property. Draft Directive of the European Parliament and the Council of the EU on some aspects related to contracts for the supply of digital content, dated 09.12.2015 No. 2015/0287

Topic 8: Protection of property rights and the role of the European Court of Justice in the field of property rights.

General characteristics of the protection of property rights and interests. The European Court of Justice and the development of the EU internal market. The European Court of Justice and the free movement of goods: ECJ decision " Krantz " (Case C -69/88). The European Court of Justice and the free movement of persons (institutions) and capital: the decision of the ECJ " Manfred Trummer and Peter Mayer " (case C -222/97).

4. The structure of credit from the academic discipline «International property law»

No n/p	Topic	Number of hours					
		Lectures	Practical classes	Student- self study	Individual work	Training, CPIT	Control events
Content module 1							
1.	Topic 1: Property law: general legal provisions	4	4	10	2	4	questions, tests, cases, essay
2.	Topic 2: General characteristics of the main property rights in international law	4	4	15			
3.	Topic 3: Quasi-real rights in private international law	2	2	10			
4.	Topic 4: Security property rights	4	4	10			
Content module 2							
5.	Topic 5: General characteristics of property rights with a foreign element	2	2	11	1	3	questions, tests, cases, essay
6.	Topic 6: Conflicting bindings of property rights	4	4	10			
7.	Topic 7: General characteristics of property law of the European Union	4	4	12			
8.	Topic 8: Protection of property rights and the role of the European Court of Justice in the field of property rights.	2	2	10			
Total		26	26	88	3	7	

5. Topics of practical classes Practical classes 1-2

Topic: Property law: general legal provisions

Purpose: To acquaint students with the general provisions of property law

Questions for discussion:

1. Concept and essence of property law.
2. Principles of property law.
3. Peculiarities of the exercise and protection of property rights.
4. Titles of property rights.
5. State registration of property rights.
6. System of property rights.

Practical classes 3-4

Topic: General description of basic property rights in international law

Purpose: To study the features of basic property rights in international law

Questions for discussion:

1. General provisions on ownership.
2. Acquisition, transfer and termination of ownership.
3. Objects of ownership.
4. The right of joint ownership.
5. The right of trust property.
6. The right of possession in international law.
7. General provisions on property rights to other people's property.
8. The right to limited use of someone else's property (servitude).
9. The right to use someone else's land for agricultural purposes (emphyteusis).
10. The right to use someone else's land plot for development (surfaces).
11. The right of economic management and the right of operational management.

Practical class 5

Topic: Quasi-real rights in international private law

Purpose: to investigate the essence of real property rights in international private law

Questions for discussion:

1. General provisions on quasi-real rights.
2. Trust management of property.
3. Property "right of expectation". Pledge as a real right.
4. Use of property as a real right.
5. Illegal bona fide possession and property rights.
6. Right to preferential purchase of property.
7. The right of beneficial ownership.
8. Timeshare and quasi-real rights.

Practical classes 6-7

Topic: Security property rights

Purpose: To study the concept of security property rights

Questions for discussion:

1. General characteristics of security rights.
2. System of security rights.
3. Types of collateral property rights.
4. Pledge.
5. Mortgage.
6. Adherence.
7. Reservation of the seller's ownership in the sales contract.
8. Security ownership right.

Practical class 8

Topic: General characteristics of property rights with a foreign element

Purpose: To study the concepts and types of property rights with a foreign element

Questions for discussion:

1. General characteristics of property rights with a foreign element .
2. The concept and system of property rights with a foreign element.
3. Trends in property rights with a foreign element.
4. Qualification of movable and immovable property.
5. Models of ownership in international private law.
6. Sources of legal regulation of property relations in international private law.

Practical I classes 9-10

Topic: Collision bindings of property rights

Purpose: To study conflicting bindings of property rights

Questions for discussion:

1. The legal characteristic of the collision binding is "the law of the location of the thing" (lex rei sitae).
2. Collision bindings of the emergence and termination of property rights.
3. Collision bindings of the law of the place of property registration and the law of the place of stay on the road (lex in transit).
4. Legal regime of property of the state of Ukraine, citizens of Ukraine and Ukrainian legal entities abroad.
5. Protection of property rights and other property rights.
6. Nationalization in international private law.
7. Extraterritorial effect of laws on nationalization.
8. Trust and trust-like structures.

Practical classes 11-12

Topic: General characteristics of property law of the European Union

Purpose: To study the peculiarities of property law of the European Union .

Questions for discussion:

1. Property law as a nationally and EU-oriented sphere.
2. Existing real EU law. The concept of property rights and property rights.
3. Principles of EU property law.
4. Transfer of property rights to movable property.

5. System of property law of the EU.
6. Ownership as a fundamental right.
7. Objects of culture.
8. Overdue payments.
9. Insolvency.
10. Financial security agreements.
11. Timeshares and long-term tourist products in EU law.
12. "Emission rights", other quasi-property rights in EU property law.
13. Development of EU property law.
14. DCFR.
15. Objects of "cyber property" or virtual property.
16. Directive of the European Parliament and the Council of the EU on some aspects related to contracts for the supply of digital content, dated 09.12.2015 No. 2015/0287

Practical class 13

Topic: Protection of property rights and the role of the European Court of Justice in the field of property rights.

Purpose: To investigate the peculiarities of the protection of property rights and the role of the European Court of Justice in the field of property rights.

Questions for discussion:

1. General characteristics of the protection of property rights and interests.
2. The European Court of Justice and the development of the EU internal market.
3. The European Court of Justice and the free movement of goods: the ECJ decision " Krantz " (Case C -69/88).
4. The European Court of Justice and the free movement of persons (institutions) and capital: the decision of the ECJ " Manfred Trummer and Peter Mayer " (case C -222/97) .

6. Complex practical individual task

Complex practical individual task (CPIT) is a form of organization of education, which aims to deepen, generalize and consolidate the knowledge that students receive in the process of learning, as well as the application of this knowledge in practice. CPIT is performed by students independently under the guidance of teachers, it is a completed theoretical or practical work within the curriculum of the course, which is performed on the basis of knowledge, skills and abilities acquired in the course of lectures and practical classes.

CPIT in the discipline «International property law» consists of two components:

1. Theoretical part.
2. Practical part.

I. Theoretical part complex practical individual task . The theoretical part of CPIT (essay, scientific article, theses) is devoted to the narrow problems of the course (the topic of the scientific work can be proposed by the student himself and agreed with the scientific supervisor) or can be chosen by the student from the topics listed below.

1. Modern approaches to the concept and essence of property law.
2. Principles of property law and vectors of their improvement.
3. Features of the exercise and protection of property rights.
4. Titles of property rights in different legal systems.
5. Acquisition, transfer and termination of property rights.
6. Transformation of approaches to the list of objects of property rights.
7. Pledge as a real right: main characteristics.
8. The right of trust in the law of Ukraine, the USA and France (comparative legal study).
9. Property "right of expectation".
10. Timeshare in the system of property rights.
11. Legal characteristics of quasi-real rights.
12. Security rights in the system of property rights.
13. The category of "incorporeal property" in international property law.
14. General characteristics of property rights with a foreign element.
15. Qualification of movable and immovable property: modern approaches.
16. Models of property rights in private international law.

17. Sources of legal regulation of property relations in private international law.
18. Legal characteristics of the conflict-of-laws reference "law of the place where the thing is located" (lex rei sitae).
19. Conflict of laws rules of origin and termination of property rights: legal analysis.
20. Conflict of laws of the place of registration of property and the law of the place of stay in transit (lex in transit).

The work is presented in the form of a presentation and defended using multimedia tools in the presence of other students.

I. The practical part of the complex practical individual task involves the student creating a glossary of terms on the research topic, developing tests or analysing decisions of national courts and the European Court of Human Rights on the protection of property rights and other proprietary rights.

7. Student-self study

Student-self study, as one of the forms of assimilation of educational material in the time free from compulsory classes and without the participation of the teacher, involves a personally-oriented organization of the student's self-education. The organization of Student-self study requires special attention, because part of the questions of each topic are submitted for independent study by students, and the material intended for learning during independent work is submitted for the exam. Student-self study is ensured by the necessary educational and methodical means (including lecture notes, educational and methodical developments for independent study of the discipline, periodicals). Students have the opportunity to study the educational material independently in the library, classrooms and computer classrooms using the Internet, as well as at home (when receiving the appropriate package of educational and methodological literature).

No	Topic
1	Topic 1: Property law: general legal provisions
2	Topic 2: General characteristics of the main property rights in international law
3	Topic 3: Quasi-real rights in private international law
4	Topic 4: Security property rights
5	Topic 5: General characteristics of property rights with a foreign element
6	Topic 6: Conflicting bindings of property rights
7	Topic 7: General characteristics of property law of the European Union
8	Topic 8: Protection of property rights and the role of the European Court of Justice in the field of property rights.

8. Discipline training

Organization and training

Training is a planned process of modifying (changing) the attitude, knowledge or behavioral skills of a learner through the acquisition of educational experiences in order to achieve effective performance in one activity or in a certain field.

Training procedure

The introductory part is conducted to familiarize students with the topic of the training session.

The organizational part consists in creating a working mood in the team of students, determining the rules for conducting a training class. It is possible to have handouts in the form of tables, document forms.

The practical part is implemented by performing tasks in groups of students on certain problematic issues of the topic of the training class.

Summing up. The results of completed tasks are discussed in groups. Exchange of opinions on the issues raised at the training sessions.

The topic of the training

Trust in private international law.

9. Evaluation tools and methods of demonstrating learning outcomes

In the process of studying the discipline «International Property Law», the following evaluation tools and methods of demonstrating learning results are used: standardized tests; current survey; credit module testing and survey; cross-cutting projects; team projects; abstracts, essays; presentations of the

results of completed tasks and research; evaluation of the results of CPIT; student presentations and performances at scientific events; modular control work; examination.

10. Criteria, forms of current and final control

The final score (on a 100-point scale) from the discipline «International property law» is determined as a weighted average value, depending on the specific weight of each credit component:

Credit module 1	Credit module 2	Credit module 3	Credit module 4	Total
20%	20%	20%	40%	100%
Oral survey during classes (1-4 topics) - 10 points per topic - max. 40 points). Modular control work - max. 60 points.	Oral survey during classes (5-8 topics) - 10 points per topic - max. 40 points). Modular control work - max. 60 points.	Preparation of CPIT - max . 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points.	Test tasks (10 tests) 2 points each – max. 20 points Theoretical questions (2 questions) - 20 points each max. 40 points Case (1 case) – max. 40 points	100

Rating scale

According to the scale of the University	On a national scale	According to the ECTS scale
90-100	perfectly	A (excellent)
85-89	fine	B (very good)
75-84		C (good)
65-74	satisfactorily	D (satisfactory)
60-64		E (enough)
35-59	unsatisfactorily	FX (unsatisfactory with possibility of reassembly)
1-34		F (unsatisfactory with mandatory repeat course)

11. Tools, equipment and software, the use of which provides for the educational discipline

No	Name	Topic number
1.	Flipchart	1-8
2.	Laptop	1-8
3.	Projector	1-8

RECOMMENDED SOURCES OF INFORMATION:

1. Private International Law. Contemporary Challenges and Continuing Relevance. Elgar Monographs in Private International Law; Edited by Franco Ferrari and Diego P. Fernández Arroyo, Paris, France. 2019. 520 pp.
2. Muir Watt, H., Bíziková, L., Brandão de Oliveira, A., & Fernandez Arroyo, D. P. (Eds.). (2019). Global Private International Law. Cheltenham, UK: Edward Elgar Publishing. Retrieved Sep 27, 2022.
3. Laws: A Comparative Approach: 2nd edition; Gilles Cuniberti, Professor of Comparative and Private International Law, University of Luxembourg. 2022. 488 pp.
4. Geert van Calster. (2022). European Private International law. Hart Publishing.
5. Private International Law. (2023). Contemporary Challenges and Continuing Relevance. Ed. by Franco Ferrari, Diego P. Fernández Arroyo. Elgar.
6. Encyclopedia of Private International Law. (2022). Ed. by Jürgen Basedow, Giesela Rühl, Franco Ferrari, Pedro De Miguel Asensio. Elgar.
7. Peter Sparkes, Dilsen Bulut, Magdalena Habdas, Mark Jordan, Héctor Simón Moreno, r Sergio Nasarre Aznar, Tommi Ralli, Christoph Schmid (2016) Cross Border Acquisitions of Residential Property in the EU: Problems Encountered by Citizens.

8. Sparkes, P., 2018. Drafting (and Redrafting) Comparative Property Questionnaires. *Utrecht Law Review*, 13(3), pp.142–152.
9. Eugenia Kurzynsky-Singer, Rainer Kulms (2019) *Ukrainian Private Law and the European Area of Justice*.
10. Alison Clarke and Paul Kohler, (2005) *Property Law Commentary and Materials*. Cambridge University
11. Martijn W. Hesselink. *The Power of Reasons in European Private Law*. *Netherlands Journal of Legal Philosophy* 2022 (51) 1.
12. André Janssen, Matthias Lehmann, Reiner Schulze (Eds.). (2023). *The Future of European Private Law*. Nomos Verlagsgesellschaft, Baden-Baden, Germany. 564 p.
13. Slipchenko Anatoliy. (2021). UNDERSTANDING THE PROPERTY WITHIN THE EU PRIVATE LAW. *Journal of Law and Social Sciences. Legal Science and Praxis* № 1/ P.32-36.
14. Laura Burgers, Marija Bartl and Chantal Mak. (2022). Introduction. *The Evolving Concept of Private Law in Europe* University of Amsterdam Cite as: *Uncovering European Private Law*, Research Paper No. 1 (2022)
15. Martijn W. Hesselink. (2022). EU private law injustices. *Yearbook of European Law*, 2022, 41, 83–116 <https://doi.org/10.1093/yel/yeac005>
16. Principles, Definitions and Model Rules of European Private Law Draft Common Frame of Reference (DCFR). PRINCIPLES, DEFINITIONS AND MODEL RULES (ccbe.eu)
17. Nataliia Martsenko, Anastasiia Melnychuk, Olesya Remenyak. European Union property law: review of the main provisions and peculiarities. *Actual problems of law*. № 2 (34). 2023. C. 160-166. DOI:10.35774/app2022.02.160.

Information resources:

1. The official web portal of the Verkhovna Rada of Ukraine. URL: <http://portal.rada.gov.ua/>
2. Official online representation of the President of Ukraine. URL: <http://www.president.gov.ua/>
3. The single web portal of executive authorities of Ukraine. URL: <http://www.kmu.gov.ua/>
4. Official web portal of the judicial authorities of Ukraine. URL: <http://court.gov.ua/>
5. Unified State Register of Court Decisions URL: <https://reyestr.court.gov.ua/>
6. Official web portal of the UN Commission on International Trade Law (UNCITRAL). URL: <https://uncitral.un.org/en>
7. The official web portal of the Hague Conference on Private International Law. URL: <https://www.hcch.net/ukrainian>