



Syllabus

Private international law

Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International Law
Educational and Professional Program - International Law

Year of study: IV, Semester: VII

Number of credits: 4

Language of instruction: English

Head of the course:

Assoc. prof. of the Department of International Law and Migration Policy, PhD, Assoc. prof.
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Description of the discipline

The purpose of the discipline “Private International law” is a deep and thorough study by students of the main provisions of the science of private international law, in particular the concept, methods, system, functions, sources and main categories of private international law, assimilation of the doctrine of its subjects, as well as its place in legal system, sources, features of collision regulation of private relations complicated by a foreign element.

The task of studying the discipline consists in the acquisition by students of knowledge, skills and abilities (competencies) to effectively implement the acquired theoretical knowledge in practice. The task of studying the discipline is also a detailed study of the Law of Ukraine «On Private International Law», international treaties, laws, acts of the President of Ukraine, the Government and other legal acts, which are the sources of the field of private international law of Ukraine.

As a result of studying the academic discipline, the student should

know:

- approaches to defining the features, subject, concept, functions of private international law and its relationship with other elements of the legal system existing in the doctrine;
- concepts and types of methods of private international law;
- the system of private international law;
- the most important sources of legal regulation in various spheres of private international law;
- concepts and types of subjects of private international law;
- essence and purpose of conflict of laws rules;
- the structure of conflict of laws rules;
- features of collision regulation of private relations complicated by a foreign element, in particular in the sphere of property, contractual, non-contractual, family, inheritance, labor relations, intellectual property relations, international civil proceedings and international commercial arbitration.

be able:

- operate freely with special legal terminology in the field of private international law;

- work with international regulatory acts and national conflict of law legislation of Ukraine;
- to orientate in the regularities of implementation of conflict-of-law and material-law regulation of private-law relations complicated by a foreign element;
- apply the basic formulas for attaching conflicting norms;
- use acquired knowledge of private international law in legal practice;
- accurately assess the situational circumstances and make optimal decisions regarding the effectiveness of the practical application of norms regulating private law relations with a foreign element;
- quickly find the legal norm, correctly interpret it and apply it in specific situations.

Course structure

Hours (Lec. / pract.)	Topic	Learning outcomes	Task
2/2	Topic 1. Deeds with a foreign element. Representation and limitation of action in private international law	Study of conflict of laws and substantive rules regarding transactions with a foreign element, representation and limitation of action in private international law.	Questions, tests
2/2	Topic 2. Legal regulation of contractual obligations complicated by a foreign element	Study of conflicting issues of international contractual obligations.	Questions, tests
2/2	Topic 3. International commercial agreements and settlement	Study of the concept and content of international commercial agreements, their types, principles of international commercial agreements, forms of international financial settlements, forms of currency risk insurance in foreign economic contracts.	Questions, tests, essay
4/4	Topic 4. International transportation	Study of conflict issues of international transportation and international transport law. International transportation by sea. International transportation by inland waterways. International transportation by rail. International transportation by road. International transportation by air. International pipeline transportation.	Questions, tests, practical task
2/2	Topic 5. General provisions of international legal regulation	Clarification of the legal nature of non-contractual obligations in private international law.	Questions, tests

	of non-contractual obligations		
2/2	Topic 6. Conflict and material norms of international property law. Securities in private international law	Study of conflict and material norms of international property law, clarification of the legal regime of securities in private international law. Legal regime of foreign investment. Conflict of laws rules regarding securities. Unification of conflict of laws and material legal norms regarding securities.	Questions, tests
2/2	Topic 7. International legal norms in the field of protection of intellectual property rights. International copyright and industrial property law	Study of the features of international legal protection of objects of intellectual property rights, international protection of copyright, related rights and industrial property rights.	Questions, tests
2/2	Topic 8. Legal regulation of marital and family relations by norms of private international law	Study of family legal relations in private international law, legal regulation of marriage in international private law. Legal consequences of marriage. Legal relations of spouses. Termination of marriage. Rights and responsibilities of parents and children. Interstate adoption.	Questions, tests
2/2	Topic 9. International legal regulation of inheritance relations	Study of hereditary relations complicated by a foreign element. The issue of inheritance in the legislation of different states and the reasons for conflicts. International inheritance and legal qualification. International inheritance and the category of public order. The law applicable to inheritance relations. Modes of inheritance of movable and immovable property. Inheritance by law. Inheritance by will. The issue of acquiring rights to inherited property. International legal regulation of inheritance relations.	Questions, tests, essay
2/2	Topic 10. Private international	Study of labor relations in private international law. Collision issues of international labor relations.	Questions, tests, practical

	labor law	Peculiarities of legal regulation of individual cases of international labor. Work of Ukrainian migrant workers. The work of foreigners in Ukraine is based on a labor permit. Work of citizens of Ukraine in foreign diplomatic institutions of Ukraine. Work of citizens of Ukraine in foreign diplomatic institutions of Ukraine. Short-term business trips of Ukrainian citizens abroad.	task
2/2	Topic 11. International civil procedure	Study of the peculiarities of the international civil process. Sources of international civil procedural law. Legal principles of participation of foreign persons in the international civil process. International jurisdiction of civil cases. Sending and executing court orders within the international civil process. Recognition and enforcement of foreign court decisions.	Questions, tests, practical task
2/2	Topic 12. International commercial arbitration	Study of the peculiarities of international commercial arbitration, concept, legal nature and sources of legal regulation of international commercial arbitration. Competence of international commercial arbitration. Arbitration Agreement. The procedure for consideration of cases in international commercial arbitration. Challenging the arbitration award. Recognition and enforcement of foreign arbitration awards.	Questions, tests, practical task

LIST OF RECOMMENDED SOURCES:

1. Aust H.P. & Nolte G. (eds.), *The Interpretation of International Law by Domestic Courts: Uniformity, Diversity, Convergence* (2020).
2. Balthasar S. (ed.), *International Commercial Arbitration: International Conventions, Country Reports and Comparative Analysis* (2019).
3. Basedow J. *EU Private Law*. Intersentia (2021).
4. Beaumont P., Hess, B., Walker, L. & Spancken, S. *The Recovery of Maintenance in the EU and Worldwide* (2020).
5. Bogdan M. *Concise Introduction to EU Private International Law* (3d ed. 2020).
6. Borchers P.J. *Conflicts in a Nutshell* (4th ed. 2020).
7. Bork R. *European Cross-Border Insolvency Law* (2021).
8. Baruffi M.C., Honorati C. *EU private international law in family matters: legislation and CJEU case law*. Cambridge ; Antwerp ; Chicago : Intersentia (2022).
9. *Encyclopedia of Private International Law*. Ed. by Jürgen Basedow, Giesela Rühl, Franco Ferrari, Pedro De Miguel Asensio. Elgar (2022).
10. Geert van Calster. *European Private International law*. Hart Publishing (2022).
11. Perdue W. C. *Procedure and private international law* (2022).

12. Private International Law. Contemporary Challenges and Continuing Relevance. Ed. by Franco Ferrari, Diego P. Fernández Arroyo. Elgar (2023).
13. EU Cross-Border Succession Law / Edited by Stefania Bariatti, Ilaria Viarengo, Francesca C. Villata. Elgar European Law and Practice series (2022).
14. Public Policy and Private International Law / Edited by Olaf Meyer. Germany (2022).
15. Diversity in International Arbitration / Edited by Shahla F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton. Elgar European Law and Practice series (2022).
16. Andone R.-O. Private International Law of the Republic of Moldova: The Law Applicable to the Material and Formal Validity Conditions of the Juridical Act (2020).
17. Bantekas I. An Introduction to International Arbitration (2021).
18. Basedow J., Hopt J. K., Zimmerman R., Stier A.(eds.). The Max Planck Encyclopedia of European Private Law. Oxford: Oxford University Press (2020).
19. Bělohávek A.J. Rome Convention, Rome I Regulation: Commentary: New EU Conflict-of-Laws Rules for Contractual Obligations (2022).
20. Bogdan M. Private International Law as Component of the Law of the Forum: General Course. The Hague: Hague Academy of International Law (2022).
21. European contract law and the creation of norms / Ed. By Stefan Grundmann, Mateusz Grochowski. Intersentia (2021).
22. Fawcett J.J, Torremans P. Intellectual Property and Private International Law. 2nd ed. Oxford: Oxford Private International Law Series (2021).
23. Huber P. (ed.). Rome II Regulation. Pocket Commentary. Munich: Sellier European Law Publishers (2021).
24. Huber P., Mullis A. The CISG: A New Textbook for Student and Practitioners. Munich: Sellier European Law Publishers (2022).
25. Magnus U., Mankowski P.(eds.). Brussels I Regulation. Munich: Sellier European Law Publishers (2022).
26. Magnus U., Mankowski P.(eds.). Brussels Ibis Regulation. Munich: Sellier European Law Publishers (2022).
27. Ní Shúilleabháin M. Cross-border Divorce Law: Brussels Ibis. Oxford: Oxford University Press (2020).
28. Okoli Ch., Opong R. Private International Law in Nigeria. Hart Publishing (2020).
29. Savanets L., Stakhya H. A Comparative Study on the Conformity of Goods under the UN Convention on Contracts for the International Sale of Goods (CISG) and Ukrainian Sales Law. *Krytyka Prawa. Niezależne Studia nad Prawem*. 2022. Vol. 14 (2). PP.143-162.
30. Stakhya H., Savanets L. Ensuring the security of personal data on the internet: the commercial use of personal data by digital content providers. Actual problems of jurisprudence. 2021. Vol. 3. PP.110-116.
31. Savanets L., Stakhya H. Digital consumer – how to protect one in big data economy. Actual problems of jurisprudence. Vol. 3 (23). 2020. PP.153–159.
32. Stone P. EU Private International Law. 2nd ed. Cheltenham: Edward Elgar Publishing Limited (2020).

Information sources

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. Official web portal of the UN Commission on International Trade Law (UNCITRAL). URL: <https://uncitral.un.org/en>
6. The official web portal of the Hague Conference on Private International Law. URL:

Evaluation policy

- Policy on deadlines and rescheduling: Rescheduling of modules takes place with the permission of the dean's office if there are good reasons (for example, sick leave).
- Academic Integrity Policy: Copying during tests and exams is prohibited (including using mobile devices).
- Attendance Policy: Attendance is a mandatory component of assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final score (on a 100-point scale) from the internship is determined as a weighted average value, depending on the specific weight of each component:

Credit module 1	Credit module 2	Credit module 3	Exam	Total
20	20	20	40	100%
1. Oral survey during classes (6 topics of 5 points each - 30 points) 2. Modular control work - 70 points	Oral survey during classes (6 topics of 5 points each - 30 points) 2. Modular control work - 70 points	Preparation of CPIT - max. 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points	Theoretical questions (2 questions) - 30 points each, max. 60 points. Case (1 case) - max. 40 points	100

Grading scale:

On the scale university	On the national scale	On the ECTS scale
90-100	excellent	A (excellent)
85-89	good	B (very good)
75-84		C (good)
65-74	satisfactory	D (satisfactory)
60-64		E (enough)
35-59	non-satisfactory	FX (non-satisfactory with possibility of repeated passing)
1-34		F (non-satisfactory with repeated course of lectures)