



## DEPARTMENT OF LAW

### **HRS088 International Private and Procedural Law in the EU, 15 credits**

Internationell privat- och processrätt i EU, 15 högskolepoäng

*Second Cycle*

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#### **Confirmation**

This course syllabus was confirmed by Department of Law on 2024-02-14 to be valid from 2024-09-02, autumn semester of 2024.

*Field of education:* Law 100%

*Department:* Department of Law

#### **Position in the educational system**

*Main field of studies*

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*Specialization*

A1N, Second cycle, has only first-cycle course/s as entry requirements

#### **Entry requirements**

The student shall have completed 150 hec from semesters 1-6 of the law program, of which 120 hec shall be from semesters 1-4. The student shall also have completed the course International law (HRO600). Visiting foreign students, and students enrolled in law programs leading to a law degree (Juristexamen) elsewhere, may be admitted to the course following approval of the department.

#### **Learning outcomes**

On successful completion of the course, the student shall understand the plurality of legislation governing international private and procedural law in the EU and be able to reason and discuss this complexity relative to specific legal problems. The student shall correctly apply the comparative method and from the comparative legal perspective discuss the conditions for EU law.

*Knowledge and understanding*

- demonstrate advanced knowledge of EU international private and procedural law.
- demonstrate understanding of the types of comparative law matters which are raised by international private and procedural law.

*Competence and skills*

- apply interpretation methods recognised in EU law on specific legal problems.
- demonstrate an understanding of the roles of the party and the judge respectively in international private and procedural law matters.
- demonstrate the capacity to perform a study in comparative law to analyse the complexity of the EU's legal order withing international private and procedural law because of its pluricultural area of application.

*Judgement and approach*

- demonstrate a capacity to assess legal theoretical argumentation with backgrounds in different national legislation.
- demonstrate an awareness of their own preconceptions.

**Course content**

The course aims to promote learning about the EU's international private and procedural law within the area of freedom, security and justice and the complexity that marks this area both theoretically and practically.

During the course, the participants study basic concepts of international private and procedural law (jurisdiction, qualification, ordre public/public policy, choice of law, recognition and execution of foreign judgments, res judicata, litis pendens, taking of evidence) as these are regulated in the EU legal acts in the area. A historical perspective on these concepts will be added, as well as some comparative aspects elements between Swedish, French and British international private and procedural law. On this theoretical basis, the relevant EU legal acts will introduced.

EU constitutional law will be covered to the extent that is motivated by the understanding of the EU's international private and procedural law.

The course starts with a theoretical block. The theoretical knowledge is concretised, deepened and problematised during the later parts of the course by letting the students analyse a problem of international private and procedural law where the international aspect is central. This later part will prepare for the independently written essay in which the student discusses a problem which arises in the application of foreign law or other foreign norms in a national court.

The specific specialisation in this part of the course is decided by each student in their choice of question, which is determined within the framework of the topics which have been accepted by the course responsible. The question will be discussed in an essay covering approximately 10 pages.

The course ends by a student conference at which every student presents their essay.

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### **Form of teaching**

Teaching activities will be lectures, interactive learning activities and traditional seminars. All forms of teaching may focus on either theoretical or practical matters. The introductory lectures aim at setting the context for international private and procedural law in the EU. The theoretical learning activities aim to promote the students' learning of EU international private and procedural law and comparative law and are complementary to the course literature. The purpose of the seminars is to deepen the understanding of theoretical knowledge and promote the participants' understanding of the impact of EU international private and procedural law on the life of the citizens and the role of the national judge. Some of the seminars will be entirely devoted to the students' essay writing. At these seminars, the students give each other feedback, support and advice in group discussions. All participants are expected to participate actively in the discussions as well as other interactive learning activities.

*Language of instruction:* English

### **Assessment**

Examination is based on a written and an oral assignment, as well as active participation in class.

Essay about a matter of international private and procedural law with a pluricultural aspect and oral presentation of the essay, 15 hec.

Active participation in the seminars can contribute positively to the final grade.

If a student who has twice received a failing grade for the same examination component wishes to change examiner ahead of the next examination session, such a request should be made to the department in writing and should be approved by the department unless there are special reasons to the contrary (Chapter 6 Section 22 of the Higher Education Ordinance). If a student has received a recommendation from the University of Gothenburg for study support for students with disabilities, the examiner may, where it is compatible with the learning outcomes of the course and provided that no unreasonable resources are required, decide to allow the student to sit an adjusted exam or alternative form of assessment. In the event that a course has ceased or undergone

major changes, students are to be guaranteed at least three examination sessions (including the ordinary examination session) over a period of at least one year, but no more than two years after the course has ceased/been changed. The same applies to internships and professional placements (VFU), although this is restricted to just one additional examination session.

**Grades**

The grading scale comprises: Passed with Distinction (AB), Passed with Credit (BA), Pass (B) and Fail (U).

**Course evaluation**

The Department of Law is obliged to evaluate all courses given by the department. Course evaluation will be conducted and compiled in accordance with the current procedures in the Department of Law. All course evaluations of the courses on the Master of Laws program are scrutinised by the Board of Education of the Department of Law. A student who assists with the compilation of the course evaluations is entitled to a certain remuneration and a certificate to this point. The results of, and possible changes to, the course will be shared with students who participated in the evaluation and students who are starting the course.

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