

JUDICIAL COOPERATION IN CIVIL MATTERS

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	Judicial Cooperation in Civil Matters
Course title:	Judicial Cooperation in Civil Matters
Članica nosilka/UL Member:	UL PF

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Pravo, prva stopnja, univerzitetni	Ni členitve (študijski program)	4. letnik	2. semester	izbirni

Univerzitetna koda predmeta/University course code:	0102250
Koda učne enote na članici/UL Member course code:	ECP

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
20	30	0	0	70	60	6

Nosilec predmeta/Lecturer:	Aleš Galič, Jerca Kramberger Škerl
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Vrsta predmeta/Course type:	Posebni program študijskih izmenjav/Special elective course for Erasmus students
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Jeziki/Languages:	Predavanja/Lectures:	Angleščina
	Vaje/Tutorial:	

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	Prerequisites:
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	Law students, senior undergraduate (LL.B.) or post-graduate (LL.M.) Basic knowledge of national civil procedure law and of basic principles of EU law, good command of English
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Vsebina:	Content (Syllabus outline):
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	1. Development of judicial co-operation in civil matters in the European Union - a general overview 2. International Jurisdiction and recognition and enforcement in civil and commercial matters - The Brussels I Regulation Recast (No. 1215/2012) 2.1 General overview 2.2 Scope of application 2.3 Special jurisdiction 2.4 Exclusive jurisdiction 2.5 Procedural jurisdictional protection of weaker parties (consumers, workers, the insured)
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	2.6 Protective (interim) measures 2.7 Jurisdiction agreement 2.8 Other procedural aspects 2.9 Recognition and enforcement (conditions and procedure) 3. Jurisdiction and recognition and enforcement in matrimonial matters and matters of parental responsibility (Regulation (EC) No. 2201/2003) 3.1 A general overview 3.2 Jurisdiction and enforcement in cases of a child abduction 4. Cross-border Service of Documents in Europe (Regulation (EC) No. 1348/2000) 5. Cross-border Taking of Evidence in Europe (Regulation (EC) No. 1206/2001) 6. Other instruments (e.g. European Enforcement Order for Uncontested Claims, European Payment Order, European Small Claims Procedure, Maintenance, ADR, European Account Preservation Order) 7. Conflict of Laws in Contractual Matters (the Rome I Regulation) 8. Conflict of Laws in Non-Contractual Matters (the Rome II Regulation)
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Temeljna literatura in viri/Readings:

- Galič A.: European Civil Procedure – Course Materials with practical cases, Ljubljana, 2016 (*will be sent to all participating students in e-form (PDF) before the commencement of the course*)
- Stone P.: *EU Private International Law*, Elgar Publishing, 2010
- Gottwald P.: *The European Law of Civil Procedure* (available at: <http://www.ritsumei.ac.jp/acd/cg/law/lex/rlr22/GOTTWALD37-67.pdf>).
- Dickinson A. and Lein E., *The Brussels I Regulation Recast*, Oxford University Press, 2015.
- Nielsen P. A., *The New Brussels I Regulation*, *Common Market Law Review*, Vol. 50 (2013), Issue 2, pp. 503-528.
- Literature given and/or recommended during classes.

Cilji in kompetence:

	The course aims to provide students with a thorough and critical insight in the fast growing and developing area of judicial co-operation in civil and commercial matters in the EU. The course aims at promoting knowledge and understanding about the nature and operation of legal concepts of European Conflicts of Laws and Civil Procedure and interrelationship between EU law and national law, skills in applying theoretical knowledge to identifying, analyzing and solving practical cases as well as values and attitudes in regard to underlying principles, such as mutual trust and respect for fundamental procedural guarantees.
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Predvideni študijski rezultati:

	Intended learning outcomes: After successfully concluding the course, students will have a better understanding of the instruments, legal concepts and their underlying principles and of the structure of the European Private International Law.
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	They will be aware of the growing interface between European and national legal orders and will be able to critically evaluate the plans of future development and unification of procedural law and conflicts of laws. Students will be able to apply legislative norms and principles of the EU law to practical cases and thus effectively use their theoretical knowledge. Collaterally they will also be more aware of the fundamental similarities and differences in national legal systems in Europe.
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Metode poučevanja in učenja:	Learning and teaching methods:
	- The course will be conducted in a seminar-like manner, focusing on discussing and solving practical cases and analyzing the case law of the CJEU (ECJ)- individual assignments: study of a ruling of the CJEU (ECJ) and, by discretion, its presentation in the class (with either handouts or a PPT presentation). - Students should attend lectures (at least 60% participation mandatory) and complete a final oral exam. An active preparation and participation of students during the course will be required and shall be a part of an overall final assessment.

Načini ocenjevanja:	Delež/Weight	Assessment:
znanje in razumevanje	65,00 %	Oral exam
raziskovanje	15,00 %	Individual assignment
sodelovanje	20,00 %	Preparation and communication in class

Ocenjevalna lestvica:	Grading system:

Reference nosilca/Lecturer's references:
GALIČ, Aleš. The aversion to judicial discretion in civil procedure in post-communist countries : can the influence of EU law change it?. V: BOBEK, Michal (ur.). Central European judges under the European influence : the transformative power of the EU revisited, (EU law in the member states, vol. 2). Oxford; Portland: Hart, 2015, str. 99-124. RIJAVEC, Vesna, GALIČ, Aleš. Assessment of evidence regulation. V: RIJAVEC, Vesna (ur.), KERESTES, Tomaž (ur.), IVANC, Tjaša (ur.). Dimensions of evidence in European civil procedure, (European monographs series, vol. 94). Alphen aan den Rijn: Wolters Kluwer: Kluwer Law International, cop. 2016, str. 351-393. GALIČ, Aleš. Die Berührungspunkte zwischen Europäischem Zivilverfahrensrechts und dem nationalen Recht in Slowenien am Beispiel des Europäischen Vollstreckungstitels für unbestrittene Forderungen. V: KENGyel, Miklós (ur.), HARSÁGI, Viktória (ur.). Der Einfluss des Europäischen Zivilverfahrensrechts auf die nationalen Rechtsordnungen, (Heidelberger Schriften zum Wirtschaftsrecht und Europarecht, Bd. 54). 1. Aufl. Baden-Baden: Nomos, 2009, str. 135-154. GALIČ, Aleš, BETETTO, Nina. Evropsko civilno procesno pravo. 1. natis. Ljubljana: GV založba, 2011-. Zv. <1->, obrazci. ISBN 978-961-247-189-7. [KRAMBERGER ŠKERL, Jerca. Choice of court agreements in the Brussels I regulation. V: Recent trends in European private international law - challenges for the national legislations of the south east European countries : collection of papers IX Private International Law Conference, September 23, 2011. - "SS. Cyril and methodius" University in Skopje, "Iustinianus Primus" Faculty of law, 2011, str. 123-143. KRAMBERGER ŠKERL, Jerca. European public policy : (with an emphasis on exequatur proceedings). Journal of private international law, ISSN 1744-1048, Dec. 2011, vol. 7, no. 3, str. 461-490.

KRAMBERGER ŠKERL, Jerca. The abolition of Exequatur in the proposal for the review of Brussels I Regulation. V: RIJAVEC, Vesna (ur.), IVANC, Tjaša (ur.). Cross-border civil proceedings in the EU : (conference papers). Maribor: Pravna fakulteta, 2012, str. [127]-151.

KRAMBERGER ŠKERL, Jerca. Jurisdiction in on-line defamation and violations of privacy : in search of a right balance. Lexonomica : revija za pravo in ekonomijo, ISSN 1855-7147. [Tiskana izd.], dec. 2017, vol. 9, no. 2, str. 87-108.