



UNIwersYTET
IM. ADAMA MICKIEWICZA
W POZNANIU

International Private Law

Educational subject description sheet

Basic information

Study programme European Legal Studies		Didactic cycle 2023/24	
Speciality -		Subject code 10ELSS.120N.04867.23	
Organizational unit Faculty of Law and Administration		Lecture languages English	
Study level First-cycle programme		Course type Obligatory	
Study form Full-time		Block Subjects not assigned	
Education profile General academic			
Subject coordinator	Katarzyna Woźniak-Boińska, Maciej Mataczyński		
Lecturer	Maciej Mataczyński		
Period Semester 6	Activities and hours • Lecture: 30, Exam		Number of ECTS points 4

Goals

Code	Goal
C1	The aim of this module is to provide students with knowledge needed to determine the law applicable to international relationships with respect to private law. Thus student will be given apt opportunity to learn basic concepts of private international law, analyse sources of law (in their multiplicity in this particular field), search for case-law. The core of the course will be based on presentation and commentary to European Union unified law in the field of private international law, namely regulations Rome I and Rome II and on succession (with lesser emphasis) regulations on matrimonial relations. The course will be conducted from the perspective of European business law, so most of the time & practical examples will touch upon commercial relations. Nevertheless basic institutions of general part of private international law (like fe. ordre public, characterisation, renvoi) will also be covered with adequate theoretical background. Lecture will be inspired more by Anglo-American approach to conflicts of law (practical, more business-oriented, case-law) than German (extensive overview of legal doctrine). Despite stress on business it will naturally cover also private persons in their various international legal context (contracts, tort, marriage, succession) not only companies. To lesser extent it will provide students with knowledge on international civil procedure with respect to the competence of courts (jurisdiction) and recognition and execution of court judgements.

Subject learning outcomes

Code	Outcomes in terms of	Learning outcomes	Examination methods
Knowledge - Student:			
W1	knows the conflict of law norms governing the selection of applicable law, taking account of the general rules governing the applicability of such norms;	ELS_K1_W01, ELS_K1_W03, ELS_K1_W05, ELS_K1_W10	Written exam
W2	has the knowledge on the application of international civil procedure norms which determine the jurisdiction of courts and the rules for recognition and execution of court judgements.	ELS_K1_W01, ELS_K1_W03, ELS_K1_W05, ELS_K1_W10	Written exam
W3	becomes more independent in terms of identifying the sources of conflict of laws norms (multilateral and bilateral international agreements, EU laws; Private International Law Act) and using them as a basis to determine the law applicable to international relations.	ELS_K1_W01, ELS_K1_W03, ELS_K1_W05, ELS_K1_W10	Written exam
W4	determines the applicable law on the basis of the rights set of conflict of law norms (international agreements, EU law, private international law act),	ELS_K1_W01, ELS_K1_W03, ELS_K1_W05, ELS_K1_W10	Written exam
W5	is able to identify the jurisdiction and apply the rules of recognition and execution of court judgements on the basis of an adequate set of norms governing international civil procedure (international agreements, EU law, Code of Civil Procedure).	ELS_K1_W01, ELS_K1_W03, ELS_K1_W05, ELS_K1_W10	Written exam
Skills - Student:			
U1	knows the conflict of law norms governing the selection of applicable law, taking account of the general rules governing the applicability of such norms;	ELS_K1_U01, ELS_K1_U02, ELS_K1_U03, ELS_K1_U05, ELS_K1_U07, ELS_K1_U10	Written exam

Code	Outcomes in terms of	Learning outcomes	Examination methods
U2	has the knowledge on the application of international civil procedure norms which determine the jurisdiction of courts and the rules for recognition and execution of court judgements.	ELS_K1_U01, ELS_K1_U02, ELS_K1_U03, ELS_K1_U05, ELS_K1_U07, ELS_K1_U10	Written exam
U3	becomes more independent in terms of identifying the sources of conflict of laws norms (multilateral and bilateral international agreements, EU laws; Private International Law Act) and using them as a basis to determine the law applicable to international relations.	ELS_K1_U01, ELS_K1_U02, ELS_K1_U03, ELS_K1_U05, ELS_K1_U07, ELS_K1_U10	Written exam
U4	determines the applicable law on the basis of the rights set of conflict of law norms (international agreements, EU law, private international law act),	ELS_K1_U01, ELS_K1_U02, ELS_K1_U03, ELS_K1_U05, ELS_K1_U07, ELS_K1_U10	Written exam
U5	is able to identify the jurisdiction and apply the rules of recognition and execution of court judgements on the basis of an adequate set of norms governing international civil procedure (international agreements, EU law, Code of Civil Procedure).	ELS_K1_U01, ELS_K1_U02, ELS_K1_U03, ELS_K1_U05, ELS_K1_U07, ELS_K1_U10	Written exam
Social competences - Student:			
K1	knows the conflict of law norms governing the selection of applicable law, taking account of the general rules governing the applicability of such norms;	ELS_K1_K01	Written exam
K2	has the knowledge on the application of international civil procedure norms which determine the jurisdiction of courts and the rules for recognition and execution of court judgements.	ELS_K1_K01	Written exam
K3	becomes more independent in terms of identifying the sources of conflict of laws norms (multilateral and bilateral international agreements, EU laws; Private International Law Act) and using them as a basis to determine the law applicable to international relations.	ELS_K1_K01	Written exam
K4	is able to identify the jurisdiction and apply the rules of recognition and execution of court judgements on the basis of an adequate set of norms governing international civil procedure (international agreements, EU law, Code of Civil Procedure).	ELS_K1_K01	Written exam
K5	determines the applicable law on the basis of the rights set of conflict of law norms (international agreements, EU law, private international law act),	ELS_K1_K01	Written exam

Study content

No.	Course content	Subject learning outcomes	Activities
1.	The concept of private international law and its position in the Polish system of law, conflict of laws norms, norms of international civil procedure with respect to jurisdiction, recognition and execution of court judgements.	W1, W2, U1, U2, K1, K2	Lecture

No.	Course content	Subject learning outcomes	Activities
2.	Sources of international private law (international agreements – multilateral and bilateral, EU laws, national acts, including the private international law act).	W3, W4, U3, U4, K3, K5	Lecture
3.	The structure and types of a conflict of laws norm.	W1, U1, K1	Lecture
4.	Types and classification of connecting factors.	W1, U1, K1	Lecture
5.	General private international law issues, including: classification of legal terms, reference, preliminary ruling, public order clause, mandatory rules, change of law, application of foreign law as applicable law.	W1, W2, U1, U2, K1, K2	Lecture
6.	Personal law (law applicable to natural and legal persons).	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
7.	Form of legal activities: applicable law; the scope of applicable law.	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
8.	Limitation of claims: applicable law; the scope of applicable law.	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
9.	Representation, with special emphasis on the power of attorney: applicable law, the scope of applicable law.	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
10.	Property rights: applicability of law to ownerships and other property rights; applicable law to legal activities with respect to property law with special emphasis on disposal of real property; the scope of law applicable to property.	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
11.	Law applicable to intellectual property rights and their protection; applicability of legis loci protectionis.	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
12.	Contractual obligations: applicability of the law with special emphasis on the choice of law; the scope of law applicable to the contract; interim issues: application of sources of conflict of laws norms (private international law act, Convention of the law applicable to contractual obligations, Regulation of the European Parliament and the Council 593/2008 (Rome I)).	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
13.	Non-contractual obligations, including obligations under prohibited acts and unjust enrichment: applicable law; the scope of applicable law; interim issues: application of sources of conflict of laws norms: private international law act, Regulation of the European Parliament and the Council No. 864/2007 (Rome II)	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
14.	Conflict of laws aspects of family and guardianship law (marriage, property and personal relations in marriage, separation and divorce, legal relationships between parents and children, maintenance claims, adoption, care and supervision) – applicable law; the scope of specific applicable laws; sources of conflict of laws norms, including the Hague protocol.	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
15.	Inheritance: applicable law; the scope of law applicable to inheritance, legal actions in case of death (validity, form).	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture

No.	Course content	Subject learning outcomes	Activities
16.	Employment relationships: applicable law; the scope of applicable law; sources of conflict of laws norms.	W1, W4, W5, U1, U4, U5, K1, K4, K5	Lecture
17.	International civil procedure: Jurisdiction, recognition and execution of court judgements; sources of law: Code of Civil Procedure (4th section), EU laws (Regulation 44/2001/EC, Regulation 2201/2003/EC, Regulation 4/2009/EC; international agreements, including the Lugano convention.	W2, W5, U2, U5, K2, K4	Lecture
18.	Selected international arbitration issues (foreign arbitration clause, execution of foreign arbitration awards).	W2, W5, U2, U5, K2, K4	Lecture

Additional information

Activities	Teaching and learning methods and activities
Lecture	Lecture with a multimedia presentation of selected issues, Problem-based lecture, Discussion, Work with text, Case study, Problem-based learning, Demonstration and observation

Activities	Credit conditions
Lecture	<p>excellent (A ; 5,0):</p> <p>a) excellent knowledge of regulations and jurisprudence in the field of PIL</p> <p>b) very good background for formulation of views and their rational justification</p> <p>very good (B+; 4,5):</p> <p>c) very good knowledge of regulations and jurisprudence in the field of PIL</p> <p>d) very good background for formulation of views and their rational justification</p> <p>good (B ; 4,0):</p> <p>a) good knowledge of regulations and jurisprudence in the field of PIL</p> <p>b) good background for formulation of views and their rational justification</p> <p>average (C+, 3,5)</p> <p>a) average knowledge regulations and jurisprudence in the field of PIL</p> <p>b) average background for formulation of views and their rational justification</p> <p>satisfactory (C; 3,0):</p> <p>a) satisfactory knowledge regulations and jurisprudence in the field of PIL</p> <p>b) satisfactory background for formulation of views and their rational justification</p> <p>unsatisfactory (D ; 2,0):</p> <p>a) unsatisfactory knowledge of regulations and jurisprudence in the field of PIL;</p> <p>c) unsatisfactory background for formulation of views and their rational justification.</p>

Literature

Obligatory

1. Dicey, Morris & Collins on the Conflict of Laws; Sweet & Maxwell, 15th ed., 2012 (excerpts will be distributed by prof. Mataczynski). Junker A., Internationales Privatrecht, 2. Aufl., C.H. Beck 2014. Other reading materials distributed by prof. Mataczynski.

Calculation of ECTS points

Activities	Activity hours*
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Lecture	30
Preparation for classes	30
Reading the indicated literature	30
Preparation for the exam	30
Student workload	Hours 120
Number of ECTS points	ECTS 4

* academic hour = 45 minutes

Efekty uczenia się dla kierunku

Kod	Treść
ELS_K1_K01	The graduate is ready to critically appraise his or her knowledge, particularly in the context of the changing acquis on the regulation and critical assessment of the acquired knowledge, especially in view of the changing acquis on the regulation and application of law
ELS_K1_U01	The graduate can interpret social phenomena (cultural, political, legal, economic) within legal science
ELS_K1_U02	The graduate can use the basic theoretical knowledge and independently procure data to analyse individual processes and social phenomena (cultural, political, legal and economic) within legal science
ELS_K1_U03	The graduate can analyse the causes and course of individual processes and social phenomena (cultural, political, legal and economic) within legal science
ELS_K1_U05	The graduate can use basic EU normative systems and selected norms, rules and regulations (legal, professional, moral) to solve a specific task
ELS_K1_U07	The graduate can identify and analyse selected solution of specific individual problems and propose relevant resolutions
ELS_K1_U10	The graduate can read with understanding, and be capable of preparing, standard texts in English on European Union law, pertaining to detailed issues or specific subjects, using basic theoretical approaches and source materials
ELS_K1_W01	The graduate knows and understands the foundations of the science of law and its relation to other sciences, including the processes of internalisation and regionalisation
ELS_K1_W03	The graduate knows and understands the concept and scope of European Union law, including a deepened understanding of its sources approached in a systematic way
ELS_K1_W05	The graduate knows and understands the structure of the European law system against the background of its relations with international and national legal orders
ELS_K1_W10	The graduate knows and understands EU private law regulations, both substantive and procedural, in selected sectors