

## **JAEN08, European Private International Law, 7,5 högskolepoäng**

*European Private International Law, 7.5 credits*  
**Avancerad nivå / Second Cycle**

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### **Fastställande**

Kursplanen är fastställd av Juridiska fakultetsstyrelsens utbildningsnämnd 2007-10-03 att gälla från och med 2012-03-14, vårterminen 2012.

### **Allmänna uppgifter**

The course European Private International Law (EPIL) is an elective course in the Masters Programme in European Business Law at the Faculty of Law. The course is also open to students in the programme leading to a Swedish Professional Law degree with a specialization in European Business Law.

Lectures and course materials are in English. The course is scheduled to require 10 weeks of part-time (50%) studies.

#### *Huvudområde*

Europeisk handelsrätt

#### *Fördjupning*

A1F, Avancerad nivå, har kurs/er på avancerad nivå som förkunskapskrav

### **Kursens mål**

The aim of the course is to enable students to solve legal problems and reflect critically upon the basic principles and policies at the heart of EPIL.

#### *Knowledge and understanding*

To pass the examination the student shall be able to

- demonstrate a basic understanding of the way in which the various private international law instruments of EU origin and the case law of the EC establish a consistent pattern of EPIL.
- demonstrate a basic understanding of how private international law of the EU Member States is affected by the general principles of EU law
- demonstrate a basic understanding of legal solutions to private international law problems arising in civil and commercial disputes and which have international

implications, such as the jurisdiction of national courts, the ascertainment of the applicable legal system and the recognition/enforcement of foreign judgments.

### *Skills and abilities*

To pass the examination the student shall be able to

- demonstrate a capability of mastering a wide range of diverse sources of EPIL
- assess legal and policy issues caused by the diverging European legal systems
- discuss the issues involved in the harmonization and unification of private international law within the EU.

### *Judgment and approach*

Students will practise discussing private international law issues with colleagues from different cultural backgrounds and of the opposite gender.

They will carry out independent studies of specific issues and take full responsibility for the development of their own knowledge in an objective, but critical manner.

To pass the examination, the students must be able to consider and discuss social and ethical aspects of private international law in the European context and make personal judgments based on these reflections.

## **Kursens innehåll**

In this course, private international law will be studied from an EU perspective. The focus is mainly on the principal EU regulations and directives in this field as well as on the decisions of the ECJ pertaining to the ascertainment of the applicable legal system, jurisdiction and the recognition/enforcement of judicial decisions.

## **Kursens genomförande**

Teaching is organized as lectures and seminars, where the students' active participation is required. The seminars consist mainly of student submissions, which are graded and taken into account when determining the grade for the whole course. Another part of the examination is a written test at the end of the course.

The student obtains knowledge and competences as outlined above through the self-study of course literature and other course materials, and by taking an active part in lectures and seminars.

In order to pass, students are required to have 80% attendance or more on the seminars.

## Kursens examination

*Prov/moment för denna kurs finns i en bilaga i slutet av dokumentet.*

## Betyg

Betygsskalan omfattar betygsgraderna Underkänd, Godkänd, Icke utan beröm godkänd, Med beröm godkänd.

One of the following grades is awarded: Pass with Distinction (AB), Pass with Credit (BA), Pass (B) or Fail (U).

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

### B – Basic command

In order to pass the student must show sound knowledge about how European human rights law is created and applied and about its scientific foundation.

The student has to show ability to put EPIL in its proper legal framework, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of EPIL.

The student has to show a sound understanding of the societal impact of EPIL, its role in development, in the interaction between states and individuals/groups and in the international community and the region of Europe as a whole as well as an ability to understand the advantages and disadvantages of EPIL and its impact on the state legislation.

The student must show a fair ability to analyze case law concerning EPIL, both in an oral and a written form.

### BA – Advanced command

In order to achieve this grade the student must show an in-depth knowledge above average about how EPIL is created and applied and about its scientific foundation.

The student has to show good ability to put EPIL in its proper legal framework, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of EPIL.

The student has to show a well-developed understanding of the societal impact of EPIL, its role in development, in the interaction between states and individuals/groups and in the international community and the region of Europe as a whole as well as an ability to understand the advantages and disadvantages of EPIL and its impact on the state legislation.

The student must show a good ability to analyze case law concerning EPIL, both in an oral and a written form.

#### AB - Mastery

In order to achieve the highest grade the student must show outstanding in-depth knowledge about how EPIL is created and applied and about its scientific foundation.

The student has to show excellent command of ability to put EPIL in its proper legal framework, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of EPIL.

The student has to show an excellent understanding of the societal impact of EPIL, its role in development, in the interaction between states and individuals/groups and in the international community and the region of Europe as a whole as well as an ability to understand the advantages and disadvantages of EPIL and its impact on the state legislation.

The student must show a very good ability to analyze case law concerning EPIL, both in an oral and a written form.

### **Förkunskapskrav**

Passed examination in courses corresponding to the first term of the Master's Programme in European Business Law equivalent to 30 credits.

### **Övrigt**

The University views plagiarism as a very serious academic offence, and will take disciplinary action against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.



## Prov/moment för kursen JAEN08, European Private International Law

Gäller från H08

0701 European Private International Law, 7,5 hp

Betygsskala: Underkänd, Godkänd, Icke utan beröm godkänd, Med beröm godkänd