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Law LLB

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| **Module** | **International Private Law**Type Semester ECTS CodeMANDATORY (M) 5 4 Law-B-041 |
| **Lecturer****Assistant** | Ass.Prof. Elton Tota |
| **Aims and Objectives** | The module provides knowledge on the legal norms that are intended to regulate international relations between private persons. When individuals from different countries enter into relations between themselves, they are in a situation where they are linked to several legal systems, the specifics of which need to be clarified. These situations are object of private international law, which by applying the rules of the conflict of jurisdiction and those of the conflict of law makes possible that in an international 'dispute' to determine the competent jurisdiction and the applicable law. This branch of law is intended to intervene when a private situation is international, that is to say when it presents a foreign element. The foreign element may be the nationality of one or more parties, the place where the damage occurred, the place of the registered office of a company, the place of residence of the parties, etcThe core of private international law consists of the rules of conflict of jurisdictions, which make it possible to determine the jurisdiction of a judge in an international dispute and to determine the conditions for the recognition and enforcement of foreign decisions and the rules of conflict of laws which make it possible to determine the law applicable to a dispute that may be linked to several legal orders. |
| **Learning Outcomes** | By the end of the semester, students should be able to adress the following features of the Private International Law:* Demonstrate an understanding of the main principles of Private International Law;
* Explain, and distinguish between substantive and procedural rules ad well as explain the procedure to proof foreign law, solve the problem of classification and be able to identify the incidental question within a private international law case;
* Communicate effectively in context by demonstrating the ability to explain and apply basic conflict of laws principles;
* Review, analyse, and interpret legal questions raised by the effects of enforcement of judgements with foreign element as well as the impact the EU Law on private international law rules.
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| **Content** | **Course Plan Week**1. The concept, object and designation of International Private Law (I)2. Presentation and development of International Private Law (II) 3. Sources of International Private Law (III) 4. Legal-Private relations with a foreign element (IV)5. Identification facts on the basis of which the foreign element is created in the subject (V) 6. Identification facts on the basis of which the foreign element is created in the object (VI) 7. Colloquium - 1 – (VII)8. Identification facts and decisive facts in obligatory relations with a foreign element (VIII)9 Conflict of Laws – personal status – real rights – rights of obligations (IX)10. Decisive facts in non - contractual (delicts) legal - civil responsibilities with a foreign element (X)11. Avoidances from the competent norms of International Private Law (XI)12. Jurisdictional conflicts – International Jurisdiction (XII)13. Effect of Foreign Decisions (XIII)14. Colloquium – 2 - (XIV)15. Final Exam (XV) |
| **Teaching/ Learning Methods**  | **Teaching/ Learning Activities Weight (%)** 1. Lectures 40% 2. Case studies exercises 20% 3. Legal Debate 20% 4. Reviews and Project legal summaries 20%  |
| **Assesment Methods** | **Assesment Activity Number Week Weight (%)**1. Colloquiumes 2 7,14 40%2. Exercises 12 1-6/8-13 20%  Legal debates/ Active Participation 1-6/8-13 20%  Project legal summaries 7,14 20% 3. Final Exam 1 15 100% |
| **Sources and tools of concretization**  | **Tools** 1. Classroom Lectures 2. Literature 3. Moodle 4. Projector  |
| **Workload and activities** |  **Activity Weekly hrs Total workload** 1. Lectures 2 30h 2. Exercises 1 15h3. Contacts/ Consultations with lecturer 5h 4. Independent study/ work at home and library 2 25h (collection of relevant materials, reading, preparation for colloquiums, seminar papers, case studies, presentations,  home work, team work) 5. Preparation for final writen exam 2 25h   |
| **Literature / Referencies** | **Basic Literature:*** Bilalli, Asllan & Kuçi, Hajredin, *“E Drejta Ndërkombëtare Private”*, Prishtinë, 2020.
* Gutmann, Daniel *“E Drejta Ndërkombëtare Private”*, Tiranë, Paprius, 2015.
* Clarkson & Hill’s, “*Conflict of Laws”*, Fifth Edition, Oxford University Prees, 2016.
* Hay, Peter, *“Advanced Introduction to Private International Law and Procedure”*, Elgar, 2018.
* Bilalli, Asllan & Kuçi, Hajredin, & Ademi, Arber *“E Drejta Ndërkombëtare Private – Pjesa e Posacme”*, Tetove, 2022.
* Geert Van Claster, “*European Private International Law”*, Oxford University Press, 2016.
* REGULATION (EU) No 1215/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. *(Regulation Brussels I)*
* COUNCIL REGULATION (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. *(Regulation Brussels II)*
* REGULATION (EC) No 593/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 June 2008 on the law applicable to contractual obligations *(Rome I)*
* REGULATION (EC) No 864/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 July 2007 on the law applicable to non-contractual obligations *(Rome II)*
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