

Degree	Type	Year
Law	OB	4

Contact

Name: Rafael Arenas Garcia

Email: rafael.arenas@uab.cat

Teachers

Miguel Gardeñes Santiago

Josep Gracia Casamitjana

Rafael Arenas Garcia

Roger Canals Vaquer

Milagros Orozco Hermoso

Josep Suquet Capdevila

Teaching groups languages

You can view this information at the [end](#) of this document.

Prerequisites

Notice: teachers will address communications or any news to the students through the moodle (campus virtual), notwithstanding the possibility of using, additionally, other means of communication. Therefore, it is necessary to consult the moodle regularly.

There are no previous requirements, except from those relating to the language in which the different groups of theory and seminars are taught. Teachers and languages of the different groups are the following:

Group 1:

Theory: Rafael Arenas. Spanish.

Seminar 11: Rafael Arenas. Spanish

Seminar 12: Josep Suquet. Catalan

Seminar 13: Milagros Orozco. Spanish.

Group 2 :

Theory: Josep Suquet. English.

Seminar 21: Josep Suquet. English.

Seminar 22: Roger Canals. English.

Seminar 23: Substitute teacher. English.

Group 51:

Theory: Josep Gràcia and Milagros Orozco. Catalan.

Seminar 511: Josep Gràcia. Catalan.

Seminar 512: Milagros Orozco. Catalan.

Seminar 513: Josep Suquet. Catalan.

Group 70:

Theory: Miquel Gardeñes. Catalan.

Seminar 701: Miquel Gardeñes. Catalan.

Seminar 702: Roger Canals. Catalan.

The teaching of the subject will be taught taking into account the perspective of the Sustainable Development Goals.

Objectives and Contextualisation

- Understanding the legal problems related to private law international relationships, taking into consideration the procedural and the substantive aspects.
- Identifying in a specific case the issues regulated by private international law and understanding their relationships with other branches of the legal system.
- Knowing the basic elements of the Spanish system of private international law, taking into account domestic law, international treaties applicable in Spain and the law of the European Union.

Competences

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.
- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Identifying and solving problems.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Integrating the importance of Law as a regulatory system of social relations.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Memorising and utilising legal terminology.
- Present information in a way that is appropriate to the type of audience.
- Searching, interpreting and applying legal standards, arguing every case.

- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
- Working in multidisciplinary and interdisciplinary fields.

Learning Outcomes

1. Applying an interdisciplinary and integrated vision of the legal problems in an international environment.
2. Assessing legislative changes and reforms in a context of plurality of systems.
3. Assessing the underlying conflicts of interest in the legal problems proposed in an international environment.
4. Building a legal reasoning or discourse in the field of Public International Law, Private International Law and European Union Law.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Identifying and assessing the changes and evolution of jurisprudence in a context of plurality of systems.
7. Identifying and knowing the basic contents of every stipulated speciality.
8. Identifying and solving problems.
9. Integrating the importance of Law as a regulatory system of social relations, and the contextualisation of the legal phenomenon in the international environment.
10. Managing bibliographic and documentary resources: databases, browsing, etc.
11. Memorising and using the specific terminology of Public International Law, Private International Law and European Union Law.
12. Present information in a way that is appropriate to the type of audience.
13. Seek out, interpret and apply legal provisions related to Public International Law, Private International Law and European Union Law.
14. Students must be capable of learning autonomously and having an entrepreneurial spirit.
15. Using the constitutional values as a criterion for interpretation and solution of conflicts, specially in case of a contradiction between the main fundamental principles of several legal systems.
16. Working in multidisciplinary and interdisciplinary fields.

Content

PROGRAMME OF PRIVATE INTERNATIONAL LAW (PIL)

Lesson 1

Object, concept and content of PIL. Preconditions: plurality of legal systems and international private relationships. - The aim of PIL. - The concept of PIL. - Its content: possible approaches and issues included. - The internal dimension of the PIL system: states with more than one legal system (plurilegislative states). Spain as a plurilegislative State.

Lesson 2

Sources of PIL.

- The Constitution and international treaties on human rights as main principles of the PIL system. - International sources: different kinds of international treaties. The role of the Hague Conference on Private International Law. European Union law. *Lex mercatoria*.

Lesson 3

International jurisdiction (I).

- Sources of international jurisdiction: internal law, international agreements and European Union law.- Regulation 1215/2012: its temporal and material scope. - Role of the domicile of the defendant. - Exclusive competences. - Choice of forum by the parties. - Tacit submission. - Special heads of jurisdiction. - Weak party protection forums. - Provisional and protective measures. - *Lis pendens* and related actions. - *Ex officio* examination of jurisdiction. - *Ex parte* challenging of international jurisdiction. - Regulation 2019/1111: rules of jurisdiction in matters of nullity of marriage, separation and divorce. Rules of jurisdiction in matters relating to the responsibility over minors. Issues related to the application of jurisdiction rules.

Lesson 4

International jurisdiction (II).

- Spanish internal law: the Organic Law on the Judiciary, as modified by Organic Law 7/2015, of 21 July. - State immunities from jurisdiction and enforcement: the Organic Law 16/2015.- Structure of the system of rules on international jurisdiction of civil and labour courts. - The rule on *derogatio fori*. - *Ex officio* examination of international jurisdiction. - *Ex parte* challenging of international jurisdiction: the "*declinatoria*" (declinatory plea). - International *lis pendens* and related actions in Law 29/2015, of July 30, on International Legal Cooperation in Civil Matters.

Lesson 5

Regulatory techniques in the field of applicable law.

- Regulatory techniques: concept, functions and types. - The "direct" technique: special substantive rules. - The "direct" technique: overriding mandatory rules (*lois de police*). - The "indirect" technique: conflict-of-laws rules: concept, applicability, types and function. - Elements of the conflict-of-laws rule. Flexibilization of conflict-of-laws rules. - Complementarity and differences between the direct and the indirect technique.

Lesson 6

Issues related to the application of rules on conflict of laws.

- Characterization and conflict of characterizations. - *Renvoi*. - Preliminary or incidental question. - Referral by the conflicts rule to a State with more than one legal system: autonomous solution, solutions of international treaties and solutions of the EU regulations.- Issues related to time: mobile conflict, transitory international conflict and succession in time of conflict rules. - Exceptions to the application of foreign law: the public policy exception. Law circumvention or *fraude à la loi*.

Lesson 7

Rules of conflict of laws regarding contractual and non-contractual obligations.

- Conflict of laws rules relating to contracts: Regulation 593/2008, of June 17 2008, on the law applicable to contractual obligations (Rome I Regulation). - Its scope. - Choice of law by the parties. - Applicable law in the absence of choice by the parties.- Capacity to contract and form of the contract.- Weak party contracts: special consideration of consumer contracts and employment contracts.- Overriding mandatory provisions.

- Conflict of laws rules regarding non contractual obligations: Regulation 864/2007, of July 11 2007 (Rome II Regulation).- Spanish internal law.- International agreements: special consideration of The Hague Conventions of 14 May 1971 (traffic accidents) and 2 October 1973 (responsibility for products).

Lesson 8

Application of foreign law.

- Mandatory character of the conflicts rule and procedural treatment of foreign law.- Allegation of foreign law.- Proof of foreign law.- The role of the judge in the application of foreign law.- International conventions aimed at facilitating information on foreign law.- The application of foreign law by non-judicial authorities.

Lesson 9

Recognition and enforcement of foreign decisions.

- Introduction and general concepts. - Systems for managing recognition: A) Need of an *exequatur* procedure for all the effects of recognition: the former Spanish civil procedure act, of 1881. B) "Automatic" or *ex lege* recognition and need of *exequatur* as a prerequisite for enforcement. C) "Automatic" or *ex lege* recognition of all effects, including the executive effect. - The general and subsidiary regulation in Spanish internal law: Title V of Law 29/2015. - Recognition and enforcement in Regulation 1215/2012.- Other examples of suppression of *exequatur* procedures in the EU: the European enforcement title for uncontested claims (Regulation 805/2004). The European order for payment procedure (Regulation 1896/2006). The European small claims procedure (Regulation 861/2007). - The borders between the areas of applicable law and recognition of decisions: the "recognition method".

Lesson 10

Effects of foreign public documents.

- Introduction -The form of legal acts: law applicable to formal validity. - Foreign public documents before Spanish authorities: evidentiary effect of foreign public documents in judicial proceedings. The access of foreign public documents to Spanish public registrars. - Formal or extrinsic authenticity of foreign public documents: diplomatic or consular legalization. Multilateral treaties exempting from legalization. The Hague 1961 *apostille* convention. International instruments on international judicial assistance and / or recognition of decisions that exempt from legalization. Regulation (EU) 2016/1191. Criteria for the application of the different provisions on authentication of public documents. Translation requirements.

Lesson 11

The law governing the procedure and international judicial assistance in civil matters.

- The law governing procedural issues: the *lex fori regit processum* rule and its exceptions. - International service of documents: The different service procedures. The Hague Conventions of 1954 and 1965. Regulation 2020/1784, of November 25 2020.- Assistance in the taking of evidence: The Hague Conventions of 1954 and 1970. Regulation 2020/1783, of November 25 2020.-Spanish internal law relating to international judicial cooperation in civil matters: Law 29/2015. - Cooperation and information tools: the European Judicial Network in Civil and Commercial Matters.

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Lectures	41.5	1.66	7, 6, 9, 15, 2, 3
Seminars	22	0.88	1, 13, 4, 5, 10, 6, 9, 12, 8, 14, 16, 15, 2, 3
Type: Autonomous			
Preparing practical cases and seminars	57	2.28	7, 6, 9, 11, 14, 15, 3
Study	99	3.96	1, 4, 5, 7, 6, 9, 11, 8, 14, 15, 2, 3

TEACHING METHODOLOGY

The students' learning process is organized around three types of educational activities:

1. GUIDED ACTIVITIES

These activities take place in the classroom, during the scheduled hours for the course, and involve the active participation of the teacher. They include lectures by the instructor, questions from students, and other activities aimed at helping students acquire the basic knowledge of the subject and the necessary competencies.

Starting in the 2023/2024 academic year, classes in Private International Law are divided into theory classes and seminars. The theory classes are based on the teacher's presentation of the fundamental aspects of the course syllabus. The seminars will primarily focus on solving practical cases and conducting other activities that allow for a deeper understanding of specific topics, such as preparing presentations and completing various exercises, either individually or in groups. They may also include guest lectures relevant to the course subject. Participation in the seminars requires an active attitude from the students: first, through the preparation of sessions via prior readings and searching for necessary documents; and second, through active participation during the seminars, either orally or in writing, as indicated by the teacher in each case. Students are encouraged to ask questions to clarify their doubts, both during theory classes and seminars.

The primary working materials will be the legal texts covered during the course and the recommended bibliography (see the corresponding section). Additional materials may be provided through the virtual campus. Relevant regulations will be analyzed during the classes, so it is essential that students have access to these materials during both theory classes and seminars.

2. SUPERVISED ACTIVITIES

Individual and group tutorials, when necessary.

3. INDEPENDENT ACTIVITIES

Independent activities include all those in which students manage their time and effort autonomously, either individually or in groups. This includes reading and studying legal texts, textbooks, case law, and other materials, as well as researching resources necessary to prepare for classes and, especially, seminars.

Reading and studying the textbook *Lliçons de dret internacional privat* (Barcelona, Atelier, 2023) can be particularly helpful, especially for preparing the theoretical part of the course.

Regarding the development of skills to solve practical cases, the best approach is obviously the prior preparation of the cases discussed during the course and regular attendance and participation in the seminars. In any case, and especially for those who are unable to attend and regularly complete the course's practical activities, the following self-study workbook (with solutions) is recommended: Arenas García, Rafael, *Casos básicos de Derecho internacional privado con sus soluciones* (Barcelona, Atelier, 2023, 2nd ed.).

NOTE: Fifteen minutes of one class session, within the schedule established by the faculty/program, will be reserved for students to complete surveys evaluating the instructor's performance and the course.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Assessment

Continuous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam (theory)	50%	1	0.04	1, 4, 5, 10, 7, 6, 9, 11, 8, 14, 16, 15, 2, 3

Final practical exam	25%	1.5	0.06	13, 4, 5, 7, 6, 11, 8, 14, 16, 15, 3
First practical case	12,5%	1.5	0.06	13, 5, 7, 12, 8, 16, 15, 3
Second practical case	12,5%	1.5	0.06	13, 5, 7, 12, 8, 16, 15, 3

REGULAR ASSESSMENT

The course assessment will be conducted as follows:

a) 50% of the final grade (up to 5 points) will correspond to the final theoretical exam, which will consist of two theoretical questions (up to 2.5 points each). No supporting materials may be used on this exam, except a paper printout of the course syllabus, provided it contains no annotations.

b) 25% of the grade (up to 2.5 points) will correspond to a practical test held at the end of the course, on a date that will be announced at the start of the course via the virtual campus.

c) 25% of the grade (up to 2.5 points) will correspond to two written in-class assignments, on dates to be announced at the start of the course via the virtual campus. Each of these two assignments will count for 12.5% of the final grade (up to 1.25 points each).

d) The final grade will result from the weighted average of the final theoretical exam [section "a)"], the final practical test [section "b)"], and the two in-class assignments [section "c)"]. Failure to complete the assignments specified in section "c)" does not prevent passing the course, provided that the grades obtained in the exams under sections "a)" and "b)", using the weighting criteria described, achieve a sufficient overall average according to the general academic regulations applicable at UAB. In any case, regardless of the overall average obtained, passing the course still requires a minimum of 2.5 out of 10 on each question of the final theoretical exam (section "a)") and on the final practical test (section "b)"). No minimum score is required for the two graded in-class assignments [section "c)"].

In order to be evaluated, students must attend at least one of the practical activities indicated in sections "b)" or "c)". If this condition is not met, the student will receive a grade of "not evaluable." This condition does not apply to those who choose the single assessment option (see the relevant section below).

Final grades publication will include information on the date for grade review. This review may include all evaluable assessments completed during the course.

Students may request meetings with the teaching staff during the course to discuss the rationale behind their grades and the valuation criteria used. These meetings do not preclude the possibility of a later exam review, as governed by the paragraph above.

REASSESSMENT

Students who have not passed the course in the regular assessment may take the reassessment. Students who have passed the course in the regular assessment may not take the reassessment to improve their grade.

The reassessment will include a theoretical exam with the same format as the regular-assessment theoretical exam (section "a)") and a practical test (section "b)"). Therefore, the grades obtained in the theoretical and practical reassessment will account for 75% of the final grade. The remaining 25% will correspond to the two in-class assignments completed during the course, referenced in section "c)" of the regular assessment; these cannot be reassessed.

The student may choose to sit the reassessment for both the final theoretical exam and the final practical case, or only for one of the two. In the latter case, the grade from the non-reassessed component obtained in the regular assessment will count toward the final grade.

The same criterion described in item d) of the regular assessment applies to the reassessment. Thus, regardless of the overall average obtained, if the student scores below 2.5 out of 10 on any question of the theoretical exam or on the practical test, the course cannot be passed.

SINGLE ASSESSMENT OPTION

On 30 May 2022, the UAB Academic Affairs Committee approved the single-assessment option, by amending article 265 of UAB's Academic Regulations. This single assessment is considered an exception to the general evaluation system and is therefore only available to those who explicitly request it. Its implementation will follow the substantive and procedural conditions determined by each faculty. Therefore, students wishing to use the single-assessment option for Private International Law may apply under the specific regulations of the Faculty of Law. See the following link: <https://www.uab.cat/doc/PautesAvaluacioUnica>

The single assessment will consist of three tests:

1. Theoretical exam with two questions (50% of the grade).
2. Practical case (40% of the grade).
3. Additional question, practical exercise, or text commentary (10% of the grade).

To pass the course, students must obtain a sufficient overall average according to the general academic regulations applicable at UAB and achieve a minimum of 2.5 out of 10 on each of the two questions in test 1) and on the practical case in test 2).

REASSESSMENT OF THE SINGLE ASSESSMENT

Students opting for the single assessment also have the opportunity for reassessment if they fail in the regular call. The reassessment will likewise consist of a theoretical exam with two questions (50%), a practical case (40%), and an additional question, practical exercise, or text commentary (10%). To pass, students must again achieve a sufficient overall average under UAB's general academic rules and obtain at least 2.5 out of 10 on each theoretical question and the practical case. Students may choose to reassess all three components or only some of them. In the latter case, the grade from the non-reassessed component obtained in the regular assessment will be carried forward to the final grade.

USE OF AI

Transparency in AI use: In this course, the use of Artificial Intelligence (AI) tools is permitted for support tasks such as information search, text correction, translation, or information organization. Students must clearly identify how they used AI, share their interactions with AI tools with the teaching staff, and include a critical reflection on how these tools influenced their process and final output. Lack of transparency in AI use on evaluable work will be considered academic dishonesty, which may result in partial or total grade penalties, or more severe sanctions in serious cases.

FRAUDULENT CONDUCT

Any fraudulent behavior in an evaluable activity (e.g., cheating in exams, plagiarism...) will be reported to academic authorities so that disciplinary measures can be taken. Exercises identified with fraudulent conduct will receive a grade of 0.

Bibliography

According to the general criteria indicated by the social sciences library of our University, usually bibliographic references are divided into "obligatory" and "recommended" bibliography. However, taking into account that an important number of the students of group 2 (taught in English) come from academic exchange programmes, that the general "obligatory" textbook of this course is written in Catalan (*Lliçons de dret internacional privat*, Barcelona, Atelier, 2023), and that quite often the students of such exchange programmes are not familiar with Catalan language, as far as group 2 is concerned, the book just mentioned is not a compulsory reading. You will find in this section a list of bibliographical references in English language, which may be useful for the purposes of this course.

1. Obligatory bibliography:

Even though it is not "bibliography" in a strict sense, to follow the course it is absolutely necessary to work with the various private international law legal texts that will be dealt with during the course. Among others, the following compilations of legal texts may be recommended (usually they are edited each year):

- *Legislación Básica de Derecho internacional privado*, Madrid, Tecnos (last edition).
- *Legislación de Derecho Internacional Privado*, Granada, Comares (last edition).
- *Derecho internacional privado*, Navarra, Thomson Reuters / Aranzadi (last edition).
- "Kodex", to be found in the electronic institutional archives of the University of Murcia: digitum.um.es/digitum/handle/10201/132763

Of course, you may also access or download the relevant texts directly from the official journals. English authentic versions can be found at the Official Journal of the European Union. As for Spanish acts, the authentic version in Spanish is published in the *Boletín Oficial del Estado* (BOE). However, some English translations of the main Spanish legal texts are available.

2. Recommended references:

2.1. Textbooks in Catalan: Font i Segura, Albert, and others, *Lliçons de dret internacioal privat*, Barcelona, Atelier, 2023.

2.2. Textbooks in Spanish:

- Garcimartín Alférez, Francisco José, *Derecho internacional privado*, Cizur Menor, Civitas / Thomson Reuters (last edition), available in electronic version.
- Fernández Rozas, José Carlos / Sánchez Lorenzo, Sixto Alfonso, *Derecho internacional privado*, Navarra.Thomson/Reuters, last edition; available in electronic version.
- Esplugues Mota, Carlos Aurelio / Iglesias Buhigues, José Luis / Palao Moreno, Guillermo, *Derecho internacional privado*, València, Tirant lo Blanch, last edition; available in electronic version.
- Calvo Caravaca, Alfonso Luis / Carrascosa González, Javier, *Tratado de Derecho internacional privado* (3 volumes), Valencia, Tirant lo Blanch, 2022; available in electronic version.

2.3. Textbooks and other bibliography in English:

- Van Calster, Geert, *European Private International Law. Commercial litigation in the EU*, Hart, available in electronic version (last edition: 2024).
- Bogdan, Michael / Pertegás Sender, Marta, *Introduction To Eu Private International Law*, Europa Law Publishing, 2019.
- Hay, Peter, *Advanced introduction to private international law and procedure*, Elgar, 2023.
- Wilke, Felix M., *A conceptual analysis of European PrivateInternational Law*, 2019.

- Cuniberti, Gilles, *Conflict of Laws: A Comparative Approach. Text and Cases*, Elgar, 2022.
- Requejo Isidro, Marta (ed.), *Brussels I Bis, A Commentary on Regulation (EU) No 1215/2012*, Elgar Commentaries in Private International Law series, 2022.
- Guinchard, Emmanuel, *Rome I and Rome II in Practice*, Intersentia, 2020.
- Hill, Jonathan / Shúilleabháin, Máire Ní, *Clarkson & Hill's conflict of laws*, Oxford University Press, 2016.
- Torremans, Paul et al. (eds) *Cheshire, North & Fawcett: private international law*, Oxford University Press, 2017.
- Beaumont, Paul / Holliday, Jane (eds.), *A Guide to Global Private International Law*, Bloomsbury, 2022.

2.4. Compilation of practical cases (with solutions):

- Arenas García, Rafael, *Casos básicos de Derecho internacional privado con sus soluciones*, Barcelona, Atelier, 2023.

Apart from the texts just mentioned, other materials may be made available to the students through the moodle (campus virtual).

Software

This course does not require any specific software.

Groups and Languages

Please note that this information is provisional until 30 November 2025. You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject.

Name	Group	Language	Semester	Turn
(SEM30) Seminaris (30 estudiants per grup)	11	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	12	Catalan	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	13	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	21	English	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	22	English	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	23	English	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	511	Catalan	first semester	afternoon
(SEM30) Seminaris (30 estudiants per grup)	512	Catalan	first semester	afternoon
(SEM30) Seminaris (30 estudiants per grup)	513	Catalan	first semester	afternoon
(SEM30) Seminaris (30 estudiants per grup)	701	Catalan	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	702	Catalan	first semester	morning-mixed

(TE) Theory	1	Spanish	first semester	morning-mixed
(TE) Theory	2	English	first semester	morning-mixed
(TE) Theory	51	Catalan	first semester	afternoon
(TE) Theory	70	Catalan	first semester	morning-mixed