

## SUBJECT CHART

### Conflicts of Laws and of Jurisdiction in the European Union

#### 1. Information on the study programme

|   |                              |
|---|------------------------------|
| 1.1 Institution of higher education       | West University of Timișoara |
| 1.2 Faculty                               | Faculty of Law               |
| 1.3 Department                            | Department of Private Law    |
| 1.4 Field of Study                        | Law                          |
| 1.5 Cycle of study                        | Master studies               |
| 1.6 Programme of study /<br>Qualification | European Union Law           |

#### 2. Information on the subject

|  |   |   |   |                        |   |                    |    |
|--|---|---|---|------------------------|---|--------------------|----|
| 2.1 Discipline denomination                |   | Conflicts of Laws and of Jurisdiction in the European Union |   |                        |   |                    |    |
| 2.2 Person in charge of course activities  |   | Assoc. Prof. Sergiu POPOVICI, PhD                           |   |                        |   |                    |    |
| 2.3 Person in charge of seminar activities |   | Assoc. Prof. POPOVICI, PhD                                  |   |                        |   |                    |    |
| 2.4 Year of study                          | 1 | 2.5 Semester  | 1 | 2.6 Type of evaluation | E | 2.7 Subject regime | CS |

#### 3. Total estimated time (number of hours of teaching activities per semester)

|  |            |                      |    |                        |              |
|--|------------|----------------------|----|------------------------|--------------|
| 3.1 Number of hours per week   | 3          | of which: 3.2 course | 2  | 3.3 seminar/laboratory | 1            |
| 3.4 Total hours in the curriculum  | 42         | of which: 3.5 course | 28 | 3.6 seminar/laboratory | 14           |
| <b>Distribution of time:</b>   |            |                      |    |                        | <b>hours</b> |
| Study using textbooks, teaching materials, bibliography and class notes                    |            |                      |    |                        | 50           |
| Additional research in the library, using specialized electronic platforms/ field research |            |                      |    |                        | 23           |
| Preparation for seminars / laboratories, homework, projects, essays                        |            |                      |    |                        | 23           |
| Tutoring   |            |                      |    |                        | -            |
| Examination  |            |                      |    |                        | 12           |
| Other activities .....   |            |                      |    |                        | -            |
| 3.7 Total hours of individual study  | <b>108</b> |                      |    |                        |              |
| 3.8 Total hours per semester   | <b>150</b> |                      |    |                        |              |
| 3.9 Number of credits  | <b>4</b>   |                      |    |                        |              |

#### 4. Preconditions (if any)

|                        |   |
|------------------------|---|
| 4.1 curriculum-related | • |
| 4.2 competence-related | • |

## 5. Conditions (if any)

|  |   |
|--|---|
| 5.1 related to courses                 | • |
| 5.2 related to seminars / laboratories | • |

## 6. Subject-specific objectives – expected results of the learning process to which the subject contributes

|                             |   |
|-----------------------------|---|
| Knowledge                   | <ul style="list-style-type: none"> <li>- Private International Law (PIL) terminology, structure, methodology;</li> <li>- Understanding autonomous interpretation – the main principle separating PIL from domestic legislation;</li> <li>- Relationship between the three main branches of PIL;</li> <li>- Relationship between EU and domestic legislation in PIL;</li> <li>- The role of EU and domestic institutions in different stages of PIL;</li> <li>- Understanding the main decisions of the CJEU in the field of PIL.</li> </ul> |
| Abilities                   | <ul style="list-style-type: none"> <li>- Critical evaluation of the European PIL legislation and jurisprudence;</li> <li>- Appropriate use of the rules and legal institutions specific to PIL.</li> </ul>  |
| Responsibility and autonomy | <ul style="list-style-type: none"> <li>- Carry out professional tasks in an efficient and responsible manner;</li> <li>- Apply techniques of efficient group work (with cross-branch elements);</li> <li>- Efficiently use communication resources, information resources and assisted professional formations resources.</li> </ul>  |

## 7. Content

| 7.1 Courses   | Teaching methods                             | Observations   |
|---|--|----------------|
| <p><b>1. The basics</b></p> <p>1.1. Private International Law (PIL) – hybrid discipline:</p> <p style="padding-left: 20px;">1.1.2. International jurisdiction</p> <p style="padding-left: 20px;">1.1.3. Applicable law</p> <p style="padding-left: 20px;">1.1.4. Enforcement and recognition (E&amp;R)</p> <p>1.2. Methodology in PIL:</p> <p style="padding-left: 20px;">1.2.1. Relationship between the three sub-disciplines</p> <p style="padding-left: 20px;">1.2.2. General principles of correlation between EU law and domestic law</p> <p>1.3. Principles of EU PIL:</p> <p style="padding-left: 20px;">1.3.1. The role of the Court of Justice of the European Union (CJEU)</p> <p style="padding-left: 20px;">1.3.2. Autonomous interpretation</p> <p>1.4. Matters of private law with separate regulation in EU law:</p> <p style="padding-left: 20px;">1.4.1. Civil and commercial matters in general</p> <p style="padding-left: 20px;">1.4.2. Matrimonial matters and parental responsibility</p> <p style="padding-left: 20px;">1.4.3. Maintenance obligations</p> <p style="padding-left: 20px;">1.4.4. Successions</p> <p style="padding-left: 20px;">1.4.5. Insolvency</p> | <p>Presentation, explanation, discussion</p> | <p>4 hours</p> |

|   |   |                     |
|---|---|---------------------|
| <p><b>2. International jurisdiction</b><br/>2.1. Justification of European legislative intervention in the matter<br/>2.2. Regulation no. 1215/2012 (Brussels I bis)<br/>2.3. Regulation no. 2201/2003 (Brussels II bis)<br/>2.4. Other regulations with relevance to international jurisdiction<br/>2.5. Jurisprudence of the CJEU</p>   | <p>Presentation, explanation, discussion</p>                            | <p>8 hours</p>      |
| <p><b>3. Applicable law</b><br/>3.1. Justification of European legislative intervention in the matter; correlation with international jurisdiction<br/>3.2. Regulation no. 593/2008 (Rome I)<br/>3.3. Regulation no. 864/2007 (Rome II)<br/>3.4. Other regulations with relevance to applicable law<br/>3.5. Jurisprudence of the CJEU</p>  | <p>Presentation, explanation, discussion</p>                            | <p>8 hours</p>      |
| <p><b>4. Enforcement and recognition</b><br/>4.1. Justification of European legislative intervention in the matter<br/>4.2. E&amp;R in the Brussels I bis Regulation<br/>4.3. Other regulations with relevance to E&amp;R<br/>4.4. Specific uniform procedures aimed at generating enforceable titles (European Enforcement Order – EEO, European Order of Payment – EOP)<br/>4.5. Jurisprudence of the CJEU</p>  | <p>Presentation, explanation, discussion</p>                            | <p>8 hours</p>      |
| <p>Bibliography:<br/><b>Compulsory:</b><br/>1. Peter STONE – EU Private International Law, Edward Elgar Publishing, 2016<br/>2. European Regulations: no. 44/2001, 1215/2012, 2201/2003, 593/2008, 864/2007, 1896/2006, and relevant jurisprudence of the ECJ.<br/><b>Optional:</b><br/>Sergiu POPOVICI – Drept internațional privat, Ed. C.H.Beck, București, 2019</p>   |   |                     |
| <p>7.2 Seminar / laboratory</p>   | <p>Teaching methods</p>   | <p>Observations</p> |
| <p><b>1. The basics</b><br/>1.1. Private International Law (PIL) – hybrid discipline:<br/>1.1.2. International jurisdiction<br/>1.1.3. Applicable law<br/>1.1.4. Enforcement and recognition (E&amp;R)<br/>1.2. Methodology in PIL:<br/>1.2.1. Relationship between the three sub-disciplines<br/>1.2.2. General principles of correlation between EU law and domestic law<br/>1.3. Principles of EU PIL:<br/>1.3.1. The role of the Court of Justice of the European Union (CJEU)<br/>1.3.2. Autonomous interpretation<br/>1.4. Matters of private law with separate regulation in EU law:<br/>1.4.1. Civil and commercial matters in general<br/>1.4.2. Matrimonial matters and parental responsibility<br/>1.4.3. Maintenance obligations<br/>1.4.4. Successions</p> | <p>Analysis of CJEU Case-law, integration of the different concepts</p> | <p>2 hours</p>      |

|   |  |         |
|---|--|---------|
| 1.4.5. Insolvency   |  |         |
| <b>2. International jurisdiction</b><br>2.1. Justification of European legislative intervention in the matter<br>2.2. Regulation no. 1215/2012 (Brussels I bis)<br>2.3. Regulation no. 2201/2003 (Brussels II bis)<br>2.4. Other regulations with relevance to international jurisdiction<br>2.5. Jurisprudence of the CJEU   | Hypothetical problem solving, analysis of the jurisprudence of the CJEU, team work, individual work, mock trials | 4 hours |
| <b>3. Applicable law</b><br>3.1. Justification of European legislative intervention in the matter; correlation with international jurisdiction<br>3.2. Regulation no. 593/2008 (Rome I)<br>3.3. Regulation no. 864/2007 (Rome II)<br>3.4. Other regulations with relevance to applicable law<br>3.5. Jurisprudence of the CJEU  | Hypothetical problem solving, analysis of the jurisprudence of the CJEU, team work, individual work, mock trials | 4 hours |
| <b>4. Enforcement and recognition</b><br>4.1. Justification of European legislative intervention in the matter<br>4.2. E&R in the Brussels I bis Regulation<br>4.3. Other regulations with relevance to E&R<br>4.4. Specific uniform procedures aimed at generating enforceable titles (European Enforcement Order – EEO, European Order of Payment – EOP)<br>4.5. Jurisprudence of the CJEU            | Hypothetical problem solving, analysis of the jurisprudence of the CJEU, team work, individual work, mock trials | 4 hours |
| Bibliography:<br><b>Compulsory:</b> <ol style="list-style-type: none"> <li>Peter STONE – EU Private International Law, Edward Elgar Publishing, 2016</li> <li>European Regulations: no. 44/2001, 1215/2012, 2201/2003, 593/2008, 864/2007, 1896/2006, and relevant jurisprudence of the ECJ.</li> </ol> <b>Optional:</b><br>Sergiu POPOVICI – Drept internațional privat, Ed. C.H.Beck, București, 2019 |  |         |

### 8. Corroborating the content of the subject with the expectations of the epistemic community, professional associations and representative employers in the relevant programme field

- The entire didactical activity concerning Private International Law is directed towards transmitting to the students of several professional and cross-branch skills which would provide for them, at the end of their studies, an integration into the labour market as smooth as possible, in all the specific fields.

### 9. Evaluation

| Type of activity | 9.1 Evaluation criteria | 9.2 Evaluation method | 9.3 Weight percentage of the final grade |
|------------------|-------------------------|-----------------------|--|
|------------------|-------------------------|-----------------------|--|

|  |   |  |    |
|--|---|--|----|
| 9.4 Course   | Evaluation of each student, by reference to minimal performance standards | Evaluation with grading, based on a verbal examination, consisting of a free, one on one talk with the students, either face to face or online, if required. Students have free access to all available resources (printed bibliography, written notes, smartphones, laptops, etc.)                              | 70 |
| 9.5 Seminar / laboratory   | Evaluation of each student, by reference to minimal performance standards | Evaluation with grading, based on continuous verbal questioning. The grade reflects answers to the questions and activity performed during the seminar by every student, following their questioning concerning problems raised by the doctrine and the jurisprudence in the field of Private International Law. | 30 |
| 9.6 Minimum performance standard   |   |  |    |
| <ul style="list-style-type: none"> <li>• Proper use of the terminology specific to Private International Law;</li> <li>• Appropriate use of European legislation and jurisprudence in the field of Private International Law.</li> </ul> |   |  |    |

Date: 15.09.2023

Person in charge of the subject:  
Assoc. Prof. Sergiu Popovici

Date of approval by the faculty department  
19.09.2023

Department director  
Assoc. Prof. Florin Mangu