

EUROPEAN PROCEDURAL LAW AND INTERNATIONAL ARBITRATION

Prof. Aniello Merone – Prof. Alessio Bonafine

Academic Year: 2018-19

Semester: II

Credits: 6 ECTS

Total lesson hours: 24 hours

Teaching language: English

LEARNING OBJECTIVES

First module of the course focuses on the genesis of European civil procedural law within the framework of civil judicial protection under CEDU principles and the common principles governing jurisdictional protection in European Union (such as the principle of party prosecution; forms of civil judicial protection; burden of proof; judgments and their effects; res judicata).

Specific attention will be devoted to several European Regulations: from the 1968 Brussels Convention on jurisdiction and enforcement of judgments in civil and commercial matters to the system created by the Brussels Regulation on jurisdiction and enforcement (Council Regulation (EC) No 44/2001, so-called Brussels I, and the most recent Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters) and various other regulations which either uniform rules (i.e. Regulation (EC) No 1896/2006 creating a European order for payment procedures; Regulation (EC) No 861/2007 for establishing a European Small Claims Procedures; Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims; Council Regulation (EC) No 1206/2001 on cooperation between the courts of Member States in collecting evidence for civil or commercial matters).

The second module of the course focuses on international arbitration law and covers the following areas: principles and rules regarding arbitration of disputes; arbitration agreements; the arbitral tribunal (appointment of arbitrators; impartiality and independence of arbitrators; replacement and challenge of arbitrators; the role of the Court of arbitration); request for

arbitration; the seat of arbitration; procedural rules (power of parties and of arbitral tribunal; time limit for submitting claims and answers; new claims; time limit for submitting the final award); taking of evidence; multiparty arbitration; relationship between State court and arbitral proceedings; rules applicable to the merits of the dispute; final, interim and partial award; differences between domestic and international arbitration; New York Convention 1958; recognition and enforcement of foreign arbitral award.

COURSE DESCRIPTION

1. Introduction: common principles governing jurisdictional protection in European Union.
2. Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
3. Regulation for European common procedures and orders
4. Arbitration and Judicial Settlement in international commercial dispute
5. Recognition and enforcement of foreign arbitral award

Teaching method: participatory learning

Grading: 18-30/30

Examination method: written text

Office hours: 1 hour before-after the class

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RECOMMENDED TEXTS

Materials will be given during the course.