

## MODULE DESCRIPTOR

<b>MODULE TITLE</b>	INTERNATIONAL COMMERCIAL LITIGATION		
<b>MODULE CODE</b>	LA4929 (L7)	<b>CREDIT VALUE</b>	20 UK CREDITS / <u>10 ECTS</u>
<b>SCHOOL</b>	SCHOOL OF LAW		

### MODULE AIMS

This module aims to give students a thorough understanding of the transnational issues that arise in court based dispute settlement – with a particular emphasis on litigation in Europe. Different approaches to civil procedure and the allocation of jurisdiction within Europe have historically inhibited judicial co-operation in cross-border disputes. EU legislation has been introduced with a view to resolving these differences and ensuring the “free movement of judgments”. After introducing the fundamental concepts and relevant international and European instruments, the seminars will encourage students to analyse the strategies adopted by litigants, and to critique the process of harmonisation in Europe. Students will obtain a thorough understanding of both national and EU rules, and will at the same time gain an appreciation of the differences in legal culture that continue to frustrate harmonisation.

### MODULE CONTENT

#### Indicative syllabus content:

- Putting international litigation in context: history, objectives, stakeholders
- The international framework: traditional rules, EU legislation; Hague Conventions and other international instruments
- The Brussels I Regulation: scope, general and specific rules of jurisdiction, recognition and enforcement of judgments
- Traditional rules of jurisdiction and recognition
- Jurisdiction agreements, *Forum non conveniens* and anti-suit injunctions: tensions between civil law and common law jurisdictions
- Service of documents
- Provisional and protective measures
- Obtaining evidence : judicial-cooperation
- Free movement of judgments

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## INTENDED LEARNING OUTCOMES

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**On successful completion of this module a student will be able to:**

1. Understand the interests of states and litigants in the regulation of international litigation
  2. Understand and critically assess the process of harmonisation of civil procedure within the European Union
  3. Critically analyse the law and practice relating to jurisdiction disputes and appreciate the significance of interlocutory measures in international litigation
  4. Appreciate the comparative law dimension to international litigation and the tensions between different legal systems and critically assess the extent to which the goal of free movement of judgments has been achieved within the European Union
  5. Research, critically evaluate and present well-structured arguments in written and oral work
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## TEACHING METHODS

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This module is organised into 2-hour weekly seminars. During each seminar, the tutor will deliver a short presentation and facilitate a discussion of critical issues within the said topic led by the students, either working in groups or individually. Some topics may be divided between two Seminars. Students will be expected to have independently researched the issues for discussion in each seminar and to come to seminars prepared to respond and participate in an open and active critical discussion.

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## ASSESSMENT METHODS

This module is assessed through an individual presentation and a written assignment.

## LANGUAGE OF INSTRUCTION

English.