

**COURSE DATA****DATA SUBJECT****Code:** 36777**Name:** Private International Law**Cycle:** Undergraduate Studies**ECTS Credits:** 6**Academic year:** 2026-27**STUDY (S)**

Degree	Center	Acad. year	Period
1933 - Double Degree in Law and Economics_2022	Facultat de Dret	5	First quarter

**SUBJECT-MATTER**

Degree	Subject-matter	Character
1933 - Double Degree in Law and Economics_2022	Asignaturas de quinto curso	COMPULSORY

**COORDINATION**

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**SUMMARY**

Private International Law is a compulsory subject taught in 3<sup>rd</sup> year of the Degree in Law and 4<sup>rd</sup> and 5<sup>rd</sup> year of Double Degrees in Law (Annual, 1<sup>st</sup> quarter). Its workload is 6 credits (total dedication of students, 92 h).

In general terms, Private International Law is a field of the national legal system aimed at regulating private international relationships, i.e. those relationships containing a foreign element.

The Spanish legislator, being aware of the peculiarities of relationships with foreign elements, has designed a field of law specifically devoted to tackle and resolve this kind of issues. Thus, Private International Law shares with other areas of law the common national origin (although in the last years EU and other international sources have increasingly played a significant role in this field) but differs from them as to the object.



Through the study of this area of law students will be able to identify private international legal relationships and differentiate them from domestic private relationships, since this is the key requirement to apply this field. Students will reach a deep knowledge of the Spanish system of PIL (coming from any source, either domestic or international), in order to acquire the necessary tools to tackle and resolve cases with foreign elements that arose in daily life. This mainly means to resolve correctly the three main issues covered by this field of law: international jurisdiction of Spanish courts, the legal system to be applied to this kind of relationships (either Spanish law or foreign rules) and the recognition and enforcement of foreign decisions. Furthermore, the subject also deals with procedural issues concerning proceedings with foreign elements heard before Spanish courts.

## PREVIOUS KNOWLEDGE

### RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE

There are no specified enrollment restrictions with other subjects of the curriculum.

### OTHER REQUIREMENTS

A special attitude of students is absolutely necessary because they will face new institutions unknown by other fields of law previously studied in the Degree in Law, taking into account its special features, mainly related with its object and its sources. It also requires an advanced knowledge of Civil Law, Commercial Law and Procedural Law.

## COMPETENCES / LEARNING OUTCOMES

## DESCRIPTION OF CONTENTS

### 1. Private International Law. Introduction.

- 1.- Justification of Private International Law.
- 2.- Meaning of "Private International Law".
- 3.- Issues covered by this field of law: international jurisdiction, applicable law and recognition and enforcement of foreign judicial and non-judicial decisions.
- 4.- The Spanish model of Private International Law.

### 2. International Jurisdiction (IJ): the Spanish system.

- 1.- Meaning of international jurisdiction.
- 2.- Premises of the Spanish model of international jurisdiction.



- 3.- The Spanish regime of IJ of European origin.
- 4.- The Spanish regime of IJ of conventional origin.
- 5.- The Spanish regime of IJ of domestic origin.

### **3. Examination as to Jurisdiction and Admissibility, Lis Pendens and Related Actions in the Spanish Model of International Jurisdiction.**

1. Introduction.
2. Examination as to Jurisdiction and Admissibility.
3. Lis Pendens and Related Actions.

### **4. The Spanish civil procedure with foreign elements.**

- 1.- The Spanish civil procedure with foreign elements. Law applicable to the procedure.
- 2.- International judicial cooperation. Service of judicial and non-judicial documents and taking of evidence abroad.

### **5. Determination of the law applicable to private international relationships.**

- 1.- Introduction.
- 2.- Substantive rules. Special material rules and mandatory rules.
- 3.- Indirect regulation technique of choice-of-law rules.
- 4.- The practical functioning of choice-of-law rules: facts, connecting factor and legal consequence.
- 5.- Judicial and non-judicial application of foreign law.

### **6. Recognition and enforcement of foreign judicial decisions and public documents**

- 1.- Possible effects of foreign judgment and public documents.
- 2.- Recognition and enforcement. Introduction and meaning.
- 3.- The European regime of recognition and enforcement.
- 4.- The Treaty regime of recognition and enforcement.
- 5.- The domestic regimen of recognition and enforcement.



- 6.- Recognition and enforcement of enforceable public documents and court settlements.
- 7.- Formal validity of legal acts in Spanish Private International Law.
- 8.- Evidentiary effects of foreign public documents and efficacy before registries.

## **7. International commercial arbitration and cross-border mediation**

- 1.- Mechanisms of resolution of disputes alternative/complementary to state jurisdiction (ADR).
- 2.- Arbitral regime established in the Spanish Arbitration Act of 2003.
- 3.- Peculiarities of international commercial arbitration developed in Spain contemplated in the Arbitration Act of 2003.
- 4.- Recognition and enforcement of foreign arbitral awards in Spain.
- 5.- Cross-border mediation.

## **8. Family Law and Successions.**

### NATURAL PERSONS

- 1.- Personal status.
- 2.- Birth and extinction of personality.
- 3.- Personal status and Civil registry.
- 4.- Rights of individuals.

### CAPACITY

- 5.- Law applicable to capacity of individuals.
- 6.- Legal regime of legal capacity of individuals.
- 7.- Protection of incapable adults: declaration of incapacity.
- 8.- Protection of minors.

### MARRIAGE

- 9.- Celebration of marriage.
- 10.- Effects of marriage.
- 11.- Marital breakdown.

### FILIATION

- 12.- Legal regime of filiation.
- 13.- Adoptive filiation.

### MAINTENANCE

- 14.- Legal regime of maintenance claims.
- 15.- Administrative cooperation.

### SUCCESSIONS

- 16.- Legal regime of successions.
- 17.- The European Certificate of Succession.



## 9. Law of obligations.

- 1.- Contractual obligations: general regime.
- 2.- Contractual obligations: some contracts in particular.
- 3.- Non-contractual obligations.

## 10. Property rights.

- 1.- Legal regime of property rights: movable and immovable assets.
- 2.- International jurisdiction.
- 3.- Applicable law.

## WORKLOAD

### PRESENCIAL ACTIVITIES

Activity	Hours
Theoretical and practical classes	60,00
<b>Total hours</b>	<b>60,00</b>

### NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	4,00
Individual or group project	10,00
Independent study and work	40,00
Preparation of lessons	20,00
Preparation for assessment activities	10,00
Resolution of case studies	3,00
<b>Total hours</b>	<b>87,00</b>

## TEACHING METHODOLOGY

The special nature of this field of law and the significant volume of legal instruments involved require important effort by the Lecturer and students.

**Theoretical explanation.** The Lecturer will present and explain in a dynamic way the basic elements which must lead students to understand the subject, using practical cases, analysis of case law and doctrine. The student shall be engaged actively to participate in the learning process by reading the Lesson before the class and using the handbook and the legislation of Private International Law in an active environment of maximum attention, silence and respect.



**Applied activities.** They will consist of analysis of case law and experts' reports and, above all, resolution of practical cases. They will be developed as a supplement of the theoretical classes presented by the Lecturer notwithstanding the possibility of making them outside the classroom. They will require the participation of students and each Lecturer will establish the ones which will be subject to evaluation. They will help students to become familiar with the relevant materials and legislation of this field.

**Supplementary activities.** Each Lecturer responsible of this subject will participate at least in a workshop or seminar related with the subject alternatively when scheduled. They will be organised either focusing particularly on matters covered only by this subject or coordinating the activity with other colleagues of other departments in those cases where the topic is interdisciplinary. In any case, these activities will be taken into consideration in the continuous assessment.

**Supervised activities.** The Lecturer will suggest some supervised activities, i.e. the analysis of doctrine, search of case law, preparation of practical cases. He will also consider the possibility of scheduling some activities within the workload of students aimed at strengthening their knowledge.

**Office hours.** Any question or concern students may have related with this subject will be resolved during the office hours every Lecturer establishes to this end.

## EVALUATION

### Evaluation system

**A.** Written and/or oral evaluation that may consist of one or several exams that may be objective and may include theoretical and practical questions and/or problems.

**B.** Continuous evaluation, based on the regular attendance and active participation in the proposed classroom activities, such as practical realization or participation in workshops, preparation and/or submission of papers, reports and/or presentations regarding those activities, in a collective or individual way. The implication and effort shown by the student in the process of teaching/learning during the development of such activities will be considered.

**C.** Continuous evaluation, based on the attendance of the student to the seminars or visits to different institutions, and, when necessary, the submission of papers, reports and/or presentations regarding those activities, in a collective or individual way. The implication and effort shown by the student in the process of teaching/learning during the development of such activities will be considered.

### Grading / Weighing

A 70%



B+C 30%

Regardless of the general assessment system established for all students (written or oral exam), the lecturers responsible for the subject may determine in the Syllabus Annex the possibility of changing, well-founded, the final exam modality when they are forced to hold the exam on a date different from the official one under the rules established for coincidence of exams in the Regulations on Assessment and Grading of the Undergraduate and Master's Degrees of the University of Valencia, or any other cause established by regulation (e.g. justified force majeure). In these cases, the new type of exam to be taken must maintain the same level of difficulty as the general one.

Blank answers will not be penalised in multiple-choice examinations.

Continuous assessment will not be considered if the student does not pass the final exam. The continuous assessment mark will be kept for the second sitting. Activities of a recoverable nature may be retaken in accordance with the lecturer's instructions.

Students who have followed the continuous assessment and have obtained a grade in this regard, in the event of not taking the final exam on the official date (both in 1st and 2nd calls), will obtain the grade "NO PRESENTADO".

## REFERENCES

- Esplugues Mota, C. e Iglesias Buhigues, J.L., Palao Moreno, G.: Derecho internacional privado, Valencia, Tirant lo Blanch, 18<sup>a</sup> ed., 2025.
- Calvo Caravaca, A.L. y Carrascosa González, F.J., Compendio de Derecho internacional privado, Murcia, ed. propia, 6<sup>a</sup> ed., 2024.
- Fernández Rozas, J.C. y Sánchez Lorenzo, S., Derecho internacional privado, Madrid, Civitas, 13<sup>a</sup> ed., 2024.
- Rodríguez Benot, A. (Dir.), Manual de Derecho internacional privado, Tecnos, 11 ed., 2024.