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| Program: Master Academic Studies – | | | |
| Course title: INTERNATIONAL CIVIL PROCEDURE LAW | | | |
| Teachers: prof. dr Aleksandar Jakšić, prof. dr Vladimir Pavić | | | |
| Course status: optional for International Business Law sub-module | | | |
| Number of ECTS: 10 | | | |
| Requirements: / | | | |
| Aims of the course: Acquiring in depth knowledge in International Civil Procedure with the emphasis on resolution of international commercial disputes. Aim of this course is to develop better skills for application of Law on International Civil Procedure as a result of ability of a student to critically analyze serbian and comparative law. | | | |
| Course result: Candidate should obtain wide knowledge in this area and be able to identify advantages and disadvantages of resolution of commercial disputes before the state courts.. | | | |
| Course content: I Introduction to International Civil Procedure Law II The <i>Lex fori</i> principle III Jurisdiction IV Requirements for establishing jurisdiction V Determining the Proper Forum: Forum selection clauses, forum non conveniens. VI The impact of general Public international law on International civil procedure VII The impact of the ECHR on the international civil procedure VIII Access to the court IX Foreign Sovereign Immunity: the “restrictive theory;” the UN State Immunities Convention; definition of “foreign state,” “agency and instrumentality,” and “organ;” the commercial activities torts and terrorism exceptions. X Service of process including the Hague Conventions XI Production of Evidence: Issues in transnational discovery; subpoenas, letters rogatory, the Hague Evidence Convention. XII Problems of duplicative proceedings in different fora (lis alibi pendens) XIII Perpetuatio fori and perpetuatio jurisdictionis XIV Recognition and enforcement of foreign judgments XV Recognition and enforcement of foreign judgements in the law of EU member states | | | |
| Literature: 1) T. Varadi, B. Bordaš, G. Knežević, V. Pavić, Međunarodno privatno pravo, Beograd 2012; 2) A. Jakšić, Međunarodno građansko procesno pravo, Beograd 2016, 3) M. Stanivuković, M. Živković, Međunarodno privatno pravo – opšti deo, Beograd 2010; 4) Đ. Vuković, E. Kunštek, Međunarodno građansko postupovno pravo, Zagreb 2005; 5) R. Goode, H. Kronke, E. McKendrick, Transnational Commercial Law, OUP 2007; 6) E. Jeuland, Droit processuel général, Paris 2012 7) R. A. Brand, S. R. Jablonski, Forum Non Conveniens, Oxford 2007; 8) R. A. Brand, P.Herrup, The 2005 Hague Convention on Choice of Court Agreements: Commentary and Documents, Cambridge 2008; 9) A. Briggs, Agreements on Jurisdiction and Choice of Law, Oxford 2008; 10) A. Briggs, Civil jurisdiction and judgments, London 2009; 11) Kramer, X.E.; Rhee, C.H., Civil Litigation in a Globalising World, Springer 2012; 12) G. B. Born, P. B. Rutledge, International Civil Litigation in United States Courts, New York 201. | | | |
| Number of lectures – active classes | Theoretical classes: 15 | Practical classes : | |
| Instruction method: lectures, consultations, seminar papers. | | | |
| Grading system (maximum number of points 100) | | | |
| Pre-exam obligations | Points | Final Exam | Points 70 |
| Activities during lectures | 10 | Oral exam | 50 |
| Other activities | 10 | | |
| Seminar classes | 30 | | |