

Advanced Private International Law (B001727)

Course size *(nominal values; actual values may depend on programme)*

Credits 6.0

Study time 180 h

Course offerings and teaching methods in academic year 2025-2026

A (semester 2)

Dutch

Gent

independent work
peer teaching
excursion

Lecturers in academic year 2025-2026

Vancoppenolle, Thijs

RE21

lecturer-in-charge

Offered in the following programmes in 2025-2026

Master of Science in Teaching in Social Sciences(main subject Laws)

Master of Laws in Laws

crdts

offering

6

A

6

A

Teaching languages

Dutch

Keywords

Private international law - International insolvency law - Cross-border commercial disputes

Position of the course

This course wants to build a thorough and practice-oriented knowledge of private international law (PIL) in commercial matters. In addition, the aim is to teach students how to work independently on PIL matters in practice, as well as to encourage critical reflection on PIL *de lege lata* and on the underlying legal policy considerations.

Contents

The course consists of two parts.

The first part considers the various steps in handling a cross-border commercial dispute. The course first refreshes the main principles, and then zooms in on several common complications. Topics covered include:

- Pre-litigation contacts and correspondence
- Jurisdiction/selection of the forum (in-depth examination of the most common grounds for jurisdiction, forum clauses, torpedoes and anti-suit injunctions, provisional and protective measures)
- Conduct of Belgian proceedings with cross-border elements (service abroad, national competence rules for cross-border disputes, procedural rules for cross-border disputes, taking of evidence abroad, legal aid in cross-border disputes, intervention by foreign lawyers)
- Selection and application of applicable law (choice of law clauses, status of foreign law, application of foreign law by the Belgian courts)
- Recognition and enforcement of judgments
- International insolvency and restructuring
- International arbitration (jurisdiction and applicable law in relation to the arbitral agreement and the arbitral proceedings, application of PIL by the arbitral tribunal)

The second part of the course encourages students to engage in critical reflection:

- First, students will each prepare a thesis statement (stelling), which they will then defend and discuss during a discussion lecture.

- Second, students will write an essay, which they will then present during a presentation lecture.
- Third, a field trip will be planned.

Initial competences

Basic knowledge of private international law, as acquired in the compulsory course of Private International Law.

Final competences

- 1 Having a thorough knowledge of PIL in commercial matters (law in books).
- 2 Having knowledge of/understanding how PIL is applied in practice (law in action)
- 3 Mastering the methods and reflexes needed to analyse PIL problems independently.
- 4 Applying the applicable PIL rules to specific and complex cases
- 5 Reflecting on PIL *de lege lata* and on the underlying legal policy considerations.
- 6 Demonstrating a critical attitude.
- 7 Taking, defending and discussing positions/thesis statements in the domain of PIL.
- 8 Writing and presenting a scientific essay in the domain of PIL.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Group work, Excursion, Lecture, Independent work, Peer teaching

Extra information on the teaching methods

- **Lectures:** the lecturer-in-charge teaches during lectures.
- **Guided self-study:** prior to the lectures, students are asked to study the relevant sections in the legislation and/or case law reader. These are then built upon during the lectures.
- **Guest lectures:** some experts from the field give a guest lecture on a specific topic.
- **Microteaching and flipped classroom:** throughout the course, several classes are planned where the main principles, as seen in the compulsory course of Private International Law, are refreshed. Those "refresher lectures" are taught/lectured by the students themselves.
- **Independent work:** students are given two writing assignments (a thesis statement and an essay) and two presentation assignments (presenting the essay during a presentation lecture and defending the thesis statement during a discussion lecture). In principle, they each complete those assignments separately/independently, but depending on the number of registrations for the course, the lecturer-in-charge may also decide that students write and present the essay in groups of two.
- **Excursion:** an excursion will be organized (destination to be confirmed).

Study material

Type: Slides

Name: Slides

Indicative price: Free or paid by faculty

Optional: no

Available on Ufora : Yes

Type: Reader

Name: Legislation and case-law

Indicative price: Free or paid by faculty

Optional: no

Available on Ufora : Yes

References

Legislation and case law, made available digitally.

Course content-related study coaching

Support and communication through Ufora. Students can ask questions to the lecturer at any time during and after class

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Written assessment

Examination methods in case of periodic assessment during the second examination period

Written assessment

Examination methods in case of permanent assessment

Oral assessment, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

The **permanent assessment** is based on the following assignments:

- Drafting and defending a thesis statement
- Writing an essay
- Presenting the aforementioned essay

In principle, students complete these assignments individually/independently, but depending on the number of registrations, the lecturer-in-charge may also decide that students write and present the essay in groups of two.

The **periodic assessment** is a written exam, during which students are allowed to use the legislation reader and the case law reader. The exam does not contain multiple-choice-questions.

Calculation of the examination mark

Evaluation goes as follows: 50% permanent assessment (thesis statement, essay and presentation) and 50% periodic assessment (written exam).

Students must pass both parts in order to pass the course. If a student has not passed both parts and yet the sum of the marks for both parts exceeds 10 or more, the score for this course will be reduced to 9/20.

Students who do not participate in all assessments/evaluations can obtain a maximum of 7/20 for this course.

For the permanent assessment portion, retakes are only possible in the form of a new essay. The mark for the thesis statement and presentation of the (first) essay will then be retained. For the periodic assessment part, retakes are possible by means of a new written exam. Retakes are not possible for the assessment part for which the student has passed.

Facilities for Working Students

No