

## 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\(main subject Laws\)](#)

**crdts**

**offering**

6

A

[Master of Laws in Laws](#)

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. For each step, the course first refreshes the main principles, and then zooms in on several common complications. Topics covered include:

- Pre-litigation contacts: ethical rules (deontologie) in cross-border contacts with foreign lawyers
- Jurisdiction/selection of the forum: in-depth examination of the most common grounds for jurisdiction, forum clauses in theory and practice, 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: in-depth examination of the most common rules on applicable law, choice of law clauses and their limits in theory and practice, the status of foreign law and application of foreign law by the Belgian courts
- Recognition and enforcement of judgments: in-depth examination of the most common grounds for refusal, enforcement abroad and in Belgium in practice, enforcement vs. immunity of foreign States
- International insolvency and international 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. Students who obtain 14/20 or more on their essay will have the opportunity to also present their essay during a public colloquium.
- 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

Excursion, 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 a presentation assignment (presentation of the essay during a presentation lecture and possibly also during a colloquium). 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

None

#### References

Two readers, made available digitally, containing legislation on the one hand and case law on the other

#### 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**

Oral assessment, 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 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.

### **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