

Course syllabus: International property law



Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International law
Educational and professional program – «International law»

Year of study: 4, **semester:** 7
Number of credits ECTS: 5
Language of study: English

Course leader:

PhD, Associate Professor, Associate Professor of the Department of International Law and Migration Policy
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Description of the discipline

«International property law» is an educational discipline that contributes to the training of specialists in the field of international law. Students acquire theoretical knowledge and practical skills in the application of acts of property law to specific situations, the ability to perform legal analysis of the norms of international property law and independently analyze judicial practice. Students acquire knowledge of the specifics of the concept and types of property rights, the features of the exercise of limited property rights, will understand the system of property rights in the private law of the European Union, will be able to choose conflicting links to property legal relations with a foreign element, will research the forms and methods of protecting property rights in case of their violation .

Course structure

Hours (lect. / prakt.cl.)	Topic	Results of the study	Tasks
4 / 4	1 Material law: general legal provisions	To know the concepts, features, principles, sources and system of property rights	questions, tests, cases, essay
4 / 4	2 General description of basic property rights in international law	Understand the concept and essence of property rights, right of use, right of possession, limited property rights	questions, tests, cases, essay
2 / 2	3 Quasi-real property rights in international private law	Understand the features, types and content of quasi-real rights in international private law	questions, tests, cases, essay
4 / 4	4. Security property rights	Analyze the content of the right of pledge, retention, mortgage, reservation of the seller's right of ownership in the contract of sale, security of ownership	questions, tests, cases, essay

2 / 2	5 General characteristics of property rights with a foreign element	Understand the peculiarities of property rights with a foreign element and distinguish them from other legal structures	questions, tests, cases, essay
4 / 4	6 Conflicting bindings of property rights	To know and understand the principle of operation and application of conflicting bindings of property rights	questions, tests, cases, essay
4 / 4	7 General characteristics of property law of the European Union	Understand the peculiarities of the European Union and analyze the current state of its development, be able to apply relevant legal norms in practice	questions, tests, cases, essay
2 / 2	8 Protection of property rights and the role of the European Court of Justice in the field of property rights	To be aware of the peculiarities of the protection of property rights and the role of the European Court of Justice in the field of the formation of EU property rights	questions, tests, cases, essay

Bibliography:

1. Private International Law. Contemporary Challenges and Continuing Relevance. Elgar Monographs in Private International Law; Edited by Franco Ferrari and Diego P. Fernández Arroyo, Paris, France. 2019. 520 pp.
2. Muir Watt, H., Bízíková, L., Brandão de Oliveira, A., & Fernandez Arroyo, D. P. (Eds.). (2019). Global Private International Law. Cheltenham, UK: Edward Elgar Publishing. Retrieved Sep 27, 2022.
3. Laws: A Comparative Approach: 2nd edition; Gilles Cuniberti, Professor of Comparative and Private International Law, University of Luxembourg. 2022. 488 pp.
4. Geert van Calster. (2022). European Private International law. Hart Publishing.
5. Private International Law. (2023). Contemporary Challenges and Continuing Relevance. Ed. by Franco Ferrari, Diego P. Fernández Arroyo. Elgar.
6. Encyclopedia of Private International Law. (2022). Ed. by Jürgen Basedow, Giesela Rühl, Franco Ferrari, Pedro De Miguel Asensio. Elgar.
7. Sparkes, P., 2018. Drafting (and Redrafting) Comparative Property Questionnaires. Utrecht Law Review, 13(3), pp.142–152.
8. Eugenia Kurzynsky-Singer, Rainer Kulms (2019) Ukrainian Private Law and the European Area of Justice.
9. Martijn W. Hesselink. The Power of Reasons in European Private Law. Netherlands Journal of Legal Philosophy 2022 (51) 1
10. André Janssen, Matthias Lehmann, Reiner Schulze (Eds.). (2023). The Future of European Private Law. Nomos Verlagsgesellschaft, Baden-Baden, Germany. 564 p.
11. Slipchenko Anatoliy. (2021). UNDERSTANDING THE PROPERTY WITHIN THE EU PRIVATE LAW. Journal of Law and Social Sciences. Legal Science and Praxis № 1/ P.32-36.
12. Laura Burgers, Marija Bartl and Chantal Mak. (2022). Introduction. The Evolving Concept of Private Law in Europe University of Amsterdam Cite as: Uncovering European Private Law, Research Paper No. 1 (2022)
13. Martijn W. Hesselink. (2022). EU private law injustices. Yearbook of European Law, 2022, 41, 83–116 <https://doi.org/10.1093/yel/yeac005>
14. Principles, Definitions and Model Rules of European Private Law Draft Common Frame of Reference (DCFR).
15. Nataliia Martsenko, Anastasiia Melnychuk, Olesya Remenyak. European Union property law: review of the main provisions and peculiarities. Actual problems of law. № 2 (34). 2023. C. 160-166.

Information resources:

1. The official web portal of the Verkhovna Rada of Ukraine. URL: <http://portal.rada.gov.ua/>
2. Official online representation of the President of Ukraine. URL: <http://www.president.gov.ua/>
3. The single web portal of executive authorities of Ukraine. URL: <http://www.kmu.gov.ua/>
4. Official web portal of the judicial authorities of Ukraine. URL: <http://court.gov.ua/>
5. Unified State Register of Court Decisions URL: <https://reyestr.court.gov.ua/>
6. Official web portal of the UN Commission on International Trade Law (UNCITRAL). URL: <https://uncitral.un.org/en>
7. The official web portal of the Hague Conference on Private International Law. URL: <https://www.hcch.net/ukrainian>

Evaluation policy

- **Deadline and retake policy:** Modules are retaken with the permission of the dean's office if there are good reasons (for example, sick leave).
- **Academic Integrity Policy:** cheating during tests and exams is prohibited (including using mobile devices).
- **Visiting policy:** Attending classes is a mandatory component of the assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final score for the course is calculated as follows:

Credit module 1	Credit module 2	Credit module 3	Credit module 4	Total
20%	20%	20%	40%	100%
Oral survey during classes (1-4 topics) - 10 points per topic - max. 40 points). Modular control work - max. 60 points.	Oral survey during classes (5-8 topics) - 10 points per topic - max. 40 points. Modular control work - max. 60 points.	Preparation of CPIT - max . 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points.	Test tasks (10 tests) 2 points each – max. 20 points Theoretical questions (2 questions) - 20 points each max. 40 points Case (1 case) – max. 40 points	100

Student evaluation scale

According to the scale of the University	On a national scale	According to the ECTS scale
90-100	perfectly	A (excellent)
85-89	fine	B (very good)
75-84		C (good)
65-74	satisfactorily	D (satisfactory)
60-64		E (enough)
35-59	unsatisfactorily	FX (unsatisfactory with possibility of reassembly)
1-34		F (unsatisfactory with mandatory repeat course)