UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Private International Law

Academic Year 2023/2024

## 1. Organic Unit

Faculty of Law

## 2. Course

LAW

## 3. Cycle

1st

## 4. Course Unit

Private International Law (02333)

## 5. Scientific Area

## 6. Curricular Year

4th

## 7. Type of Curricular Unit / Semester

1st Semester



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## 8. Class type and workload (work time)

| | |
|---|---|
| Theoretical classes: | 30,00 |
| Practical classes: | 15,00 |
| Theoretical-Practical Classes | |
| Tutorial Guidance: | 20,00 |

## 9. ECTS Credits

6,00

## 10. Scientific Area Coordinator

## 11. Regent

Prof. Doutora ANA SOFIA DA SILVA GOMES

## 12. Assistants

## 13. Teaching Language

Portuguese

## 14. General Objectives

The subject of Private International Law aims to introduce students to the problems raised by the regulation of situations of international private life, i.e., legal situations that are in contact, through any of its elements, with more than one national legal system and the solutions for them enshrined in current law.

## 15. Specific Objectives

The main rules of conflict of laws in the area of internal, European and international sources that are in force in the Portuguese legal order will be examined, as well as the principles and rules that govern their interpretation and application.

## 16. Skills to be acquired

The student is introduced to problems arising from the transnational jus reality, and must acquire the ability to solve legal problems arising from concrete situations subsumable in Private International Law.

## 17. Teaching Methodology

Exposition of syllabus contents in theoretical classes and resolution of practical hypotheses in practical classes, with analysis of legislation, judicial decisions, national, European and international, realization of written and oral works by students, involving students in all activities, including promotion of debates. The curricular unit operates both under continuous assessment and final assessment.



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## 18. Course Unit Program

PART I
INTRODUCTION

§ 1. Subject matter and scope; its timeliness and importance
§ 2. Course plan
§ 3. Bibliographic guidance
§ 4. Values
§ 5. Methods
§ 6 Sources
§ 7. Private International Law and other legal disciplines
§ 8. European freedoms and private international law

PART II
CONFLICT LAW

Chapter I
General problems of interpretation and application of conflict rules

§ 9. The conflict rule
§ 10. The qualification
§ 11. The interpretation and implementation of the connecting element
§ 12.º The forwarding
§ 13. The reference to complex legal systems
§ 14 Fraud of the law
§ 15.º The exception clauses
§ 16.º The effectiveness of internationally mandatory norms
§ 17. The interpretation and application of foreign law
§ 18. The reservation of international public order

Chapter II
The existing conflict rule system

§ 19.º Personal law of natural persons
§ 20.º Personal law of legal persons and related problems
§ 21.º Legal status of foreigners: general principles
§ 22. Family and similar relationships
§ 23. Succession mortis causa
§ 24. Contractual obligations
§ 25.º Non-contractual civil liability
§ 26.º Pre-contractual liability
§ 27. Unjustified enrichment
§ 28. Business management
§ 29. Rights in rem



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§ 30. Copyright and related rights

## 19. Assessment Methods

Continuous assessment is carried out through mandatory tests and individual and group work, in addition to personal contacts in practical classes and tutorials.

## 20. Didactic Resources

- Applicable legislation (Portuguese Civil Code, Regulations (EC) nºs 1346/2000, 864/2007, 583/2008, 4/2009, 1259/2010, 650/2012, 2016/1103 and 2016/1104

## 21. Sustainability Objectives

The Curricular Unit of Private International Law aims to contribute to sustainability in the following areas:

general

1 - Ensure equal access to quality technical, professional and cultural education.

2 - Substantially increase the number of young people and adults with relevant qualifications, including technical and professional skills, for employment, decent work and entrepreneurship.

3 - Guarantee equal opportunities in university education, including for people in vulnerable sit

## 22. Keywords

Private International Law
Conflict of Laws



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## 23. Main Bibliography

| | | | |
|---|---|---|---|
| Author(s): | Correia, António Ferrer | | |
| Title: | Lições de Direito Internacional Privado, vol. I. | | |
| Edition: | reimpressão 202( | Year: | 2020 |
| Local: | Coimbra | | |
| Publisher: | Almedina | | |

| | | | |
|---|---|---|---|
| Author(s): | Pinheiro, Luis de Lima | | |
| Title: | Direito Internacional Privado -Vol.I | | |
| Edition: | 3.ª Ed. (R) | Year: | 2019 |
| Local: | Coimbra | | |
| Publisher: | AAFDL | | |

| | | | |
|---|---|---|---|
| Author(s): | Pinheiro, Luís de Lima | | |
| Title: | Direito Internacional Privado - Vol.II | | |
| Edition: | 4.ª Ed. (R) | Year: | 2021 |
| Local: | Coimbra | | |
| Publisher: | AAFDL | | |

## 24. Complementary Bibliography

| | | | |
|---|---|---|---|
| Author(s): | Ramos, Rui Manuel Moura | | |
| Title: | Estudos de Direito Internacional Privado da União Europeia | | |
| Edition: | 1.ª | Year: | 2017 |
| Local: | Coimbra | | |
| Publisher: | Imprensa da Universidade de Coimbra | | |

| | | | |
|---|---|---|---|
| Author(s): | Gomes, Ana Sofia | | |
| Title: | La compraventa de bienes de consumo in Europa: las diretivas sobre compraventa de bienes y suministr | | |
| Edition: | 1.ª | Year: | 2020 |
| Local: | Lisboa | | |
| Publisher: | Universidade Lusíada Editora | | |



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LISBOA

| Ficha técnica MIP / MIP Datasheet | |
|---|---|
| Título / Title | Course Unit Program 'DIREITO INTERNACIONAL PRIVADO': Academic Year 2023/2024 |
| Autor / Author | Prof. Doutora ANA SOFIA DA SILVA GOMES |
| Classificação / Classification | - |
| Descritores / Descriptors | - |
| Colaborador(es) / Colaborator(s) | - |
| Data Hora / Date Time | |
| Formato de dados / Data Format | Texto / Text, PDF |
| Estatuto de utilização / Usage | Acesso público / Public Access |
| Relação / Relation | Version 1,0 |

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Private International Law

Academic Year 2023/2024

## 1. Organic Unit

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## 3. Cycle

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## 4. Course Unit

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## 7. Type of Curricular Unit / Semester

1st Semester



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## 8. Class type and workload (work time)

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| Tutorial Guidance: | 20,00 |

## 9. ECTS Credits

6,00

## 10. Scientific Area Coordinator

## 11. Regent

Prof. Doutor JOÃO PEDRO ALVES GOMES ALMEIDA

## 12. Assistants

## 13. Teaching Language

Portuguese

## 14. General Objectives

The curricular unit of Private International Law aims to introduce students to the problems raised by the regulation of transnational situations, that is, those that have relevant points of contact with more than one State, and to the solutions for them enshrined in current Portuguese law.

## 15. Specific Objectives

The curricular unit aims to study the conflict of laws rules that are in force in Portugal. The main conflict of laws rules are studied.

## 16. Skills to be acquired

The ability to identify transnational situations and the specific problems they pose, as well as to determine which substantive law should be applied to the resolution of a particular issue arising in the context of a transnational situation.

## 17. Teaching Methodology

Theoretical classes are taught with exposition of the program subject matters and practical classes with emphasis on the resolution of practical cases. The course operates under continuous evaluation and final evaluation regimes.

## 18. Course Unit Program



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PART I
INTRODUCTION

§ 1.º Subject matter and scope; its timeliness and importance. Course plan and bibliographic guidance
§ 2.º Values
§ 3.º Methods
§ 4.º Sources
§ 5.º Private International Law and other legal disciplines

PART II
CONFLICT OF LAWS

Chapter I
General problems of interpretation and application of conflict of laws rules

§ 6.º The conflict of laws rule
§ 7.º Characterisation
§ 8.º The interpretation and materialisation of the connecting factor
§ 9.º The reference to States with more than one Legal System
§ 10.º Renvoi
§ 11.º Fraus legis
§ 12.º Escape clause
§ 13.º Overriding mandatory provisions
§ 14.º Interpretation and application of foreign law
§ 15.º Public policy (ordre public)

Chapter II
The existing conflict of laws system

§ 16.º Contractual Obligations
§ 17.º Non-contractual civil liability
§ 18.º Culpa in contrahendo
§ 19.º Unjust enrichment
§ 20.º Negotiorum gestio
§ 21.º Personal law of natural persons
§ 22.º Personal law of legal persons and related issues
§ 23.º Family or analogous Relationships
§ 24.º Succession mortis causa
§ 25.º Rights in rem

## 19. Assessment Methods

In the continuous evaluation, and considering the evaluation regulation in force, (i) attendance, (ii) participation in classes, particularly in solving practical cases, and (iii) written tests will be considered especially relevant.



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## 20. Didactic Resources

Main legislation:
- Portuguese Civil Code
- Rome I Regulation
- Rome II Regulation
- Rome III Regulation
- Succession Regulation
- Matrimonial Property Regimes Regulation

## 21. Sustainability Objectives

The The Private International Law curricular unit aims to contribute to sustainability in the following areas:
- Ensure equal access to education;
- Substantially increase the number of young people and adults with relevant qualifications;
- Ensure equal opportunities in university education;
- Promote the rule of law, at the national and international level.

## 22. Keywords

Private International Law
Conflict of Laws



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## 23. Main Bibliography

Author(s): Luís de Lima Pinheiro
Title: Direito Internacional Privado. Introdução e Direito de Conflitos - Parte Geral (vol. I)
Edition: 3.ª Year: 2021
Local: Lisboa
Publisher: AAFDL

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Author(s): Luís de Lima Pinheiro
Title: Direito Internacional Privado. Direito de Conflitos - Parte Especial (vol. II)
Edition: 4.ª Year: 2021
Local: Lisboa
Publisher: AAFDL

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Author(s): João Gomes de Almeida e Nuno Andrade Pissarra
Title: Direito Internacional Privado - Casos Práticos
Edition: Year: 2020
Local: Lisboa
Publisher: AAFDL

## 24. Complementary Bibliography

Author(s):
Title:
Edition: Year:
Local:
Publisher:

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Author(s):
Title:
Edition: Year:
Local:
Publisher:

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| Colaborador(es) / Colaborator(s) | - |
| Data Hora / Date Time | |
| Formato de dados / Data Format | Texto / Text, PDF |
| Estatuto de utilização / Usage | Acesso público / Public Access |
| Relação / Relation | Version 2,0 |

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