



Styre: Fakultetsstyret ved Det juridiske fakultet
Styresak: 34/23
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NEDLEGGING AV JUS289-2-A INTERNATIONAL CIVIL PROCEDURE OG OPPRETTING AV 2319 INTERNATIONAL CIVIL PROCEDURE OG 3519 INTERNATIONAL CIVIL PROCEDURE

Bakgrunn

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege i engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg for emnet, Volker Lipp, har utarbeidd dei to emneskildringane som ligg ved.

Som vedlegg følger saka slik ho vart presentert for studieutvalet, inkludert ei oppsummering av skilnadene på bacheloremnet og masteremnet, samt emneskildringar for begge emna.

Handsaming i studieutvalet

Studieutvalet handsama saka i sitt møte den 08.03.2023 og oversender saka til fakultetsstyret med følgjande uttale:

«Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS289-2-A International Civil Procedure etter studieåret 22/23 og istaden oppretta JUS2319 International Civil Procedure og JUS3519 International Civil Procedure som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.»

Merknader frå dekan og fakultetsdirektør

Dekan og fakultetsdirektør sluttar seg til forslaget frå Studieutvalget.

På denne bakgrunn blir det sett fram følgjande:

forslag til vedtak:

1. JUS289-2-A International Civil Procedure blir lagt ned etter studieåret 2022/2023.
2. Emna JUS2319 International Civil Procedure og JUS3519 International Civil Procedure blir oppretta og skal undervisast første gong haustsemesteret 2023.
3. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS289-2-A International Civil Procedure etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS3519 International Civil Procedure.

4. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS289-2-A i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

Karl Harald Søvig
dekan

Øystein L. Iversen
fakultetsdirektør

10.03.2023
INTØ

Vedlegg:

1. Sak 11/23-9 til Studieutvalet
2. Emneskiltring JUS2319 International Civil Procedure
3. Emneskiltring JUS3519 International Civil Procedure

Nedlegging av JUS289-2-A International Civil Procedure og oppretting av JUS2319/JUS3519 International Civil Procedure

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Professor II ved fakultetet, Volker Lipp, er emneansvarleg for International Civil Procedure og han har utarbeidd dei to emneskildringane som ligg ved.

Mål og innhald er det same for dei to emna, mens forventa læringsutbyte er tilpassa studentar på høvesvis bachelornivå og masternivå.

Begge emna har eit obligatorisk arbeidskrav i form av ei oppgåve på minimum 1500 ord, maksimum 1600 ord. Emneansvarleg opplyser at dette er det same på begge nivå fordi det er skal vera eit «introductory paper on a more general topic.».

I masteremnet er det i tillegg obligatorisk å delta på «Mandatory seminar focusing on case analysis and in-depth discussion of current issues.», altså den ekstra «master class»-undervisninga. Her skal det vera meir aktiv deltaking frå studentane, og studentane vil bli bedne om å analysera og presentera saker eller spesifikke problem innan internasjonal sivilprosess, med mål om å få til diskusjonar som går i djupna.

Vurderingsforma i begge emna er tre timar skuleeksamen, og emneansvarleg opplyser at han ser for seg å gje dei same spørsmåla til studentar på begge nivå, men at sensuren vil ta omsyn til kva som er det forventa læringsutbytet på kvart av dei to nivåa.

For bachelornivåemnet er litteraturen på totalt 422 sider, mens for masternivåemnet er litteraturen på totalt 565 sider.

Overgangsordning og tal på eksamensforsøk

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretningar og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS289-2-A etter haustsemesteret 2023, i staden vil bli viste til å avlegga eksamen i nytt emne JUS3519 International Civil Procedure.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i antallet

vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning.

I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS289-2-A og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsforsøka i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

Studieutvalet uttalar:

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS289-2-A International Civil Procedure og istaden oppretta JUS2319 International Civil Procedure og JUS3519 International Civil Procedure som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

Vedlegg: Emneskildringar

International Civil Procedure

ECTS Credits

10 ECTS Credits

Level of Study

Bachelor

Full-time/Part-time

Full time

Teaching semester

Autumn

Place of Instruction

Faculty of Law, University of Bergen

Objectives and Content

There is an old saying that being right and being proven to be right at court are two different things. In the end, the value of rights depends on their enforceability - and on their prior determination in legal proceedings by courts and tribunals.

Legal proceedings in international cases raise numerous issues ranging from jurisdiction and procedure in cross-border proceedings to the recognition and enforcement of foreign judgments. Those issues are dealt with by the national law of a country. On the other hand, considerable efforts have been made to unify these rules and to simplify the formalities with a view to a rapid and simple system recognition and enforcement of judgments, both on the international level as well as within Europe. Consequently, national laws have been supplemented, and partly replaced by numerous international instruments which themselves have various legal qualities.

The course deals with the problems raised by cross-border proceedings and the recognition and enforcement of foreign judgments, and with the rules governing these issues. It follows a problem-based and comparative approach. With respect to the rules it will put an emphasis on the Lugano Convention, but also look at relevant EU Regulations and international instruments like Hague Conventions.

Learning Outcomes

By the end of the course, students will be able to:

- understand basic concepts and principles of international civil procedure, of jurisdiction and procedure in cross-border proceedings, and of recognition and enforcement of foreign judgments;
- detect and discuss procedural problems in international cases;
- identify and interpret legal sources of international, European and national law, and to apply them to a set of facts.
- carry out tasks and works alone or with a group, write and present material, and participate in discussions

Required Previous Knowledge

Two years of law studies

Recommended Previous Knowledge

Good level of English language

Credit Reduction due to Course Overlap

Combined with JUS289-2-A International Civil Procedure or JUS3519 International Civil Procedure this course will generate no new credits.

Combines successfully with [JUS289-2-A](#) International Civil Procedure.

Access to the Course

The course is available for the following students:

- Admitted to the five-year master programme in law
- Granted admission to elective courses at the Faculty of Law
- Exchange students at the Faculty of Law

The pre-requirements may still limit certain students' access to the course.

Teaching and learning methods

Lectures.

A mix of classic and Socratic method will be used. All students are therefore expected to prepare in advance for class and to participate in class discussions.

Compulsory Assignments and Attendance

Mandatory paper of min. 1500, max 1600 words. Students who have failed the paper will be given an opportunity to write a new paper prior to the school exam. The paper will be awarded a pass/no pass. No grade will be given.

Forms of Assessment

Exam only in semester with teaching

Three-hour digital school exam. No re-sits.

Information about digital examination can be found here:

<http://www.uib.no/en/education/87471/digital-examination>.

Exam language:

- Question paper: English
- Answer paper: English

Examination Support Material

Support materials allowed during school exam:

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

In addition: Collection of relevant material supplied by the Faculty of Law

Special regulations about dictionaries:

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary.
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition).
- Dictionaries as described above cannot be combined with any other types of dictionaries.
- Any kind of combination which makes up *more than* two physical volumes is forbidden.
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

Grading Scale

A - E for passed, F for failed.

Course Evaluation

According to the administrative arrangements for course evaluation at the Faculty of Law

Course Coordinator

Professor II Volker Lipp.

Reading material

1. Paul Beaumont; Peter McEleavy, *Anton's Private International Law*, 3rd edition, Edinburgh (UK) 2011, W. Green, ISBN 978-0414013452, pp. 69-87, 127-135, 359-367

2. Trevor C. Hartley, *International Commercial Litigation*, 3rd edition, Cambridge (UK) 2020, Cambridge University Press, ISBN 978-1-108-72113-4, pp. 11-17, 18-43, 44-107, 198-212, 381-383, 555-557

3. Ulrich Magnus; Peter Mankowski (eds.), *Brussels I bis Regulation*, Cologne (Germany) 2016, Dr. Otto Schmidt, ISBN 978-3519080051, pp. 7-53, 106-112, 408-410, 442-456, 583-605, 778-813, 813-824, 835-841, 845-849

2nd revised edition forthcoming, will be updated before the course starts

4. David McClean; Verónica Ruiz Abou-Nigm, *Morris: The Conflict of Laws*, originally by J.H.C. Morris, 10th edition, London (UK) 2021, Sweet & Maxwell, ISBN 978-0-414-09079-8, pp. 85-97, 99-122, 199-204, 224-229

5. Dorothee Schramm, *Enforcement and the Abolition of Exequatur under the 2012 Brussels I Regulation*, *Yearbook of Private International Law* Vol. 15, 2013/2014, pp. 143-174

6. Paul Torremans (ed.), *Cheshire, North & Fawcett: Private International Law*, 15th edition, Oxford (UK) 2017, Oxford University Press, ISBN 978-0199678990, pp. 625-655

Total number of pages mandatory reading: 422

International Civil Procedure

ECTS Credits

10 ECTS Credits

Level of Study

Master

Full-time/Part-time

Full time

Teaching semester

Autumn

Place of Instruction

Faculty of Law, University of Bergen

Objectives and Content

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Legal proceedings in international cases raise numerous issues ranging from jurisdiction and procedure in cross-border proceedings to the recognition and enforcement of foreign judgments. Those issues are dealt with by the national law of a country. On the other hand, considerable efforts have been made to unify these rules and to simplify the formalities with a view to a rapid and simple system recognition and enforcement of judgments, both on the international level as well as within Europe. Consequently, national laws have been supplemented, and partly replaced by numerous international instruments which themselves have various legal qualities.

The course deals with the problems raised by cross-border proceedings and the recognition and enforcement of foreign judgments, and with the rules governing these issues. It follows a problem-based and comparative approach. With respect to the rules and instruments it will put an emphasis on the Lugano Convention and relevant EU Regulations, and set them within the framework of international instruments like Hague Conventions.

Learning Outcomes

By the end of the course, students will be able to:

- have an advanced understanding of the concepts and principles of international civil procedure, of jurisdiction and procedure in cross-border proceedings, and of recognition and enforcement of foreign judgments in various fields;

- detect and critically discuss procedural problems in international cases;
- identify and interpret legal sources of international, European and national law in a methodological way, and to apply them to a set of facts which is up to current academic and professional standards;
- carry out advanced tasks and works independently or with a group, analyze legal problems, write and present their findings, and participate in discussions in a scholarly manner.

Required Previous Knowledge

Three years of law studies

Recommended Previous Knowledge

Good level of English language

Credit Reduction due to Course Overlap

Combined with JUS289-2-A International Civil Procedure or JUS2319 International Civil Procedure (BA-level) this course will generate no new credits.

Combines successfully with 2319 International Civil Procedure / 3519 International Civil Procedure.

Access to the Course

The course is available for the following students:

- Admitted to the five-year master programme in law
- Admitted to the two-year master programme in law
- Granted admission to elective courses at the Faculty of Law
- Granted additional right to study following completed Master in Law degree at UiB
- Exchange students at the Faculty of Law

The pre-requirements may still limit certain students' access to the course

Teaching and learning methods

Lectures and seminars

A mix of classic and Socratic method will be used. All students are therefore expected to prepare in advance for class and to participate in class discussions.

Compulsory Assignments and Attendance

Mandatory paper of min. 1500, max 1600 words. Students who have failed the paper will be given an opportunity to write a new paper prior to the school exam. The paper will be awarded a pass/no pass. No grade will be given.

Students will have to attend a mandatory seminar focusing on case analysis and in-depth discussion of current issues, and as part of the seminar present a case.

Forms of Assessment

Exam only in semester with teaching

Three-hour digital school exam. No re-sits.

Information about digital examination can be found here:

<http://www.uib.no/en/education/87471/digital-examination>.

Exam language:

- Question paper: English
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Grading Scale

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Course Evaluation

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Course Coordinator

Professor II Volker Lipp.

Reading material

[Same as BA Level]

1. Paul Beaumont; Peter McEleavy, *Anton's Private International Law*, 3rd edition, Edinburgh (UK) 2011, W. Green, ISBN 978-0414013452, pp. 69-87, 127-135, 359-367
2. Trevor C. Hartley, *International Commercial Litigation*, 3rd edition, Cambridge (UK) 2020, Cambridge University Press, ISBN 978-1-108-72113-4, pp. 11-17, 18-43, 44-107, 198-212, 381-383, 555-557
3. Ulrich Magnus; Peter Mankowski (eds.), *Brussels I bis Regulation*, Cologne (Germany) 2016, Dr. Otto Schmidt, ISBN 978-3519080051, pp. 7-53, 106-112, 408-410, 442-456, 583-605, 778-813, 813-824, 835-841, 845-849

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4. David McClean; Verónica Ruiz Abou-Nigm, Morris: *The Conflict of Laws*, originally by J.H.C. Morris, 10th edition, London (UK) 2021, Sweet & Maxwell, ISBN 978- 0-414-09079-8, pp. 85-97, 99-122, 199-204, 224-229
5. Dorothee Schramm, *Enforcement and the Abolition of Exequatur under the 2012 Brussels I Regulation*, *Yearbook of Private International Law* Vol. 15, 2013/2014, pp. 143-174
6. Paul Torremans (ed.), *Cheshire, North & Fawcett: Private International Law*, 15th edition, Oxford (UK) 2017, Oxford University Press, ISBN 978-0199678990, pp. 625- 655

[Additional for MA Level]

7. Beaumont, Paul, *International Family Law in Europe - the Maintenance Project, the Hague Conference and the EC: A Triumph of Reverse Subsidiarity*, *Rabels Zeitschrift für ausländisches und internationales Privatrecht - The Rabel Journal of Comparative and International Private Law (RabelsZ)* Vol. 73, 2009, pp. 509-546
8. Hartley, Trevor C., *Basic Principles of Jurisdiction in Private International Law: The European Union, The United States and England*, *International and Comparative Law Quarterly* Vol. 71, 2022, pp. 211-226
9. Ulrich Magnus; Peter Mankowski (eds.), *Brussels II ter Regulation*, 2nd revised edition, Cologne (Germany) 2023, Dr. Otto Schmidt, ISBN 978-3519080204, pp. 19-36, 56-64
10. McClean, David / Ruiz Abou-Nigm, Verónica, Morris: *The Conflict of Laws*, originally by J.H.C. Morris, 10th edition, London (UK) 2021, Sweet & Maxwell, ISBN 978- 0-414-09079-8, pp. 205-224 (recognition and enforcement of foreign judgements in England), 233-235 (recognition and enforcement of foreign judgements: the Commonwealth model)

11. Weller, Matthias, Choice of court agreements under Brussels Ia and under the Hague convention: coherences and clashes, *Journal of Private International Law* Vol. 13, 2017, pp. 91-129

Total number of pages mandatory reading (nos. 1 – 11): 565