



UNIVERSITÀ DEGLI STUDI DI CATANIA

CORSO DI LAUREA MAGISTRALE A CICLO UNICO IN GIURISPRUDENZA

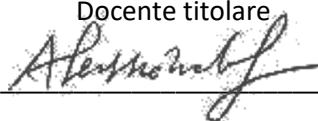
Anno accademico 2024/2025

Insegnamento	Introduction to European Civil Procedure (lingua inglese)
Settore scientifico Disciplinare	IUS 15
Docente proponente	Alessandro Fabbi
Docente titolare	Alessandro Fabbi
Periodo didattico	Secondo semestre
Totale CFU	2 CFU
N. ore di lezioni frontali	12
Propedeuticità	
Modalità di prenotazione	Via e-mail al docente
Numero partecipanti massimo	Nessuno
Frequenza	Obbligatoria
Contenuti del corso	<p>Il corso si propone di fornire nozioni introduttive intorno al diritto processuale civile di emanazione europea. Si affronterà innanzitutto il processo attraverso il quale, a partire dal Trattato di Amsterdam, le competenze europee in materia di cooperazione giudiziaria sono cresciute notevolmente, mentre in precedenza – nel quadro originario dei Trattati istitutivi delle Comunità – la giustizia civile era vista come una competenza dei singoli Stati, nel pieno rispetto del principio di “autonomia processuale”. Verrà richiamata l'attenzione sui precedenti della Corte di giustizia, che hanno coniato particolari definizioni/standard relativi a settori armonizzati, spesso con significative differenze se confrontati con concetti fondamentali in uso nelle tradizioni procedurali nazionali (ad esempio sul principio della domanda, sulle forme della tutela, sull'onere della prova, sulla cosa giudicata, ecc.). Il corso descriverà inoltre l'insieme delle principali disposizioni comunitarie in materia di giurisdizione, riconoscimento ed esecuzione delle sentenze straniere, notificazione degli atti, procedure fallimentari transnazionali, ecc., come da syllabus separato.</p> <p>Il corso non richiede alcuna conoscenza preliminare ed è dunque accessibile, altresì, a studenti Erasmus/stranieri.</p>
Metodologia	Lezioni frontali/esercitazioni
Modalità di accertamento della preparazione	Breve colloquio orale
Libri di testo	Il materiale del corso verrà fornito direttamente dal docente.
Ricevimento del docente	https://www.lex.unict.it/docenti/alessandro.fabbi
Contatti del docente	alessandro.fabbi@lex.unict.it

Docente titolare

Course	Introduction to European Civil Procedure (in English)
Scientific Sector	IUS 15
Requesting Professor	Alessandro Fabbi
Instructor	Alessandro Fabbi
Period	Second Semester
Total CFU	2 CFU
No. of hours	12
Registration	By e-mail, directly to the instructor
Maximum number of participants	None
Attendance	Mandatory (save for legitimate unavailability)
Contents	<p>The course aims at giving introductory notions on civil procedure in the context of EU law. It will first address the process whereby, as from the Amsterdam Treaty European, competencies in judicial cooperation have been growing markedly, while prior to that –in the original frame of the Communities’ founding Treaties– civil justice was viewed as a matter for single States, in full respect of the principle of “procedural autonomy”. Attention will be drawn to ECJ’s precedents, creating special definitions/standards related to harmonized sectors, often with significant differences if compared with fundamental concepts in use in national procedural traditions (e.g. on the principle of party prosecution; forms of civil judicial protection; burden of proof; res judicata etc.). The course will also describe the set of the main EU provisions pertaining to courts’ jurisdiction, recognition and enforcement of foreign judgments, service of process, transnational bankruptcy procedures, etc., as per the relevant syllabus.</p> <p>The course will not require any preparatory study or prior background. Also Erasmus/foreign students are thus welcome to participate.</p>
Methodology	Frontal lesson/practical exercises
Assessment methods/exams	Short oral interview
Reference books/materials	The course material will be provided directly by the instructor.
Consultation hours	https://www.lex.unict.it/docenti/alessandro.fabbi
Contacts	alessandro.fabbi@lex.unict.it

Docente titolare





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Academic Year 2024/2025

Introduction to European Civil Procedure

SYLLABUS

Second Semester

Instructor: Alessandro Fabbi

<https://www.lex.unict.it/docenti/alessandro.fabbi>

alessandro.fabbi@lex.unict.it

COURSE STRUCTURE

Frontal lessons; study seminars; analysis of case law.

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The course will combine frontal lessons and seminars with active participation and teamwork by students and, desirably, practical sessions of written and oral legal advocacy, mock cases, etc.

The final examination will consist in an overall assessment of each student performance throughout the entire duration of the course.

DETAILED COURSE CONTENT

1. Introduction: Intersections between Procedural and European Law. European Sources of Civil Procedure. The Policy Area of Judicial Cooperation in Civil Matters; 2. The Legal Basis of European Civil Procedure: the Founding Treaties; the Amsterdam Treaty; Most Recent Developments. Legislative Evolution: Procedural Autonomy of the Member States and the Principle of Effectiveness. The Role of the European Court of Justice. European Civil Procedure and the “Brexit”; 3. Service of Documents. Legislative evolution. Assistance in the Taking of Evidence. Legislative Evolution; 4. Jurisdiction. Recognition and Enforcement of Foreign Judgments. Legislative Evolution. EU Reg. No. 1215/2012; 5. EU Enforcement Order for Uncontested Claims. EC Reg. No. 805/2004. EU Payment Order. EC Reg. No. 1896/2006; 6. Small Claims Procedure. EC Reg. No. 861/2007. Account Preservation Order. EU Reg. No. 655/2014; 7. Insolvency, Over-indebtedness, Related Procedures. EU Law and Legal Aid; 8. Alternative Dispute Resolution. Mediation, ODR, etc. EU Law and

Arbitration; 9. The Future of EU Civil Procedure: Tendencies and Perspectives: in the Areas of Consumers Protection; Contract Law; Family Law; Competition Law, etc. EU External Relations and Dispute Resolution Mechanisms.

TEXTBOOK INFORMATION

The course material will be provided directly by the instructor.