

# STUDY GUIDE

# *International, Comparative and European Litigation*

University of Catania, Law Department

1. IDENTIFYING DATA.		
· Course Name.	International, Comparative and European Litigation	
· Coordinating University.	University of Catania	
· Partner Universities Involved.	-	
· Course Field(s).	Civil Procedure; International, Comparative and European Civil Procedure	
· Related Study Programme.	Degree in Law	
· ISCED Code.	ICSED 6; ICSED 7	
· SDG.	4 Quality Education 16 Peace, Justice and Strong Institutions	
· Study Level.	The Course is part of a Master study program in law. Bachelor and doctoral students in law are however free to attend	
· EUNICE Key Competencies	<ul style="list-style-type: none"> <li>• Green – strongly</li> <li>• Orange - moderately</li> <li>• Red – partially</li> <li>• Blank cell - not at all</li> </ul>	
	Problem solving	
	Teamworking	
	Communication	

	Self-management	
	Cognitive flexibility	
	Digital competence	
	Technical competence	
	Global intercultural competence	

· Number of ECTS credits allocated.	7
· Mode of Delivery.	Online/onsite
· Language of Instruction.	English
· Course Dates.	October 2026 / January 2027
· Precise Schedule of the Lectures.	Weekly lectures
· Key Words.	Civil procedure; civil litigation; common law vs. civil law; international arbitration; civil procedure; harmonization of laws; comparative law
· Catchy Phrase.	Learning the tools and legal sources of civil litigation in a comparative and international context

· Prerequisites and co-requisites.	<ul style="list-style-type: none"> <li>- A prior knowledge of a certain given domestic civil procedural system can be of help, despite not being a prerequisite to take part to the course</li> <li>- The course is available for B, M and D</li> <li>- Good command of oral and written English</li> </ul>
· Number of EUNICE students that can attend the Course.	No limits online

· Number of EUNICE students that can attend the course per institution	No limits online
· Course inscription procedure(s).	Via EUNICE platform and Via e-mail to the Lecturer

## 2. CONTACT DETAILS.

· Department.	Department of Law
· Name of Lecturer.	Prof. Alessandro Fabbi
· E-mail.	<a href="mailto:Alessandro.fabbi@lex.unict.it">Alessandro.fabbi@lex.unict.it</a>
· Other Lecturers.	None

## 3. COURSE CONTENT.

The courses will teach students the main principles and features of civil procedure in an international, comparative and European perspective. Students will learn several specific procedural tools and legal sources. The final goals would be to sensitize them to a comparative knowledge of procedural systems, as well as to adopt an international approach to the problems of civil litigation.

## 4. LEARNING OUTCOMES.

The courses will teach students the main principles and features of civil procedure in an international, comparative and European perspective.

The final goals would be to sensitize the students to a comparative knowledge of procedural systems, as well as to adopt an international approach to the problems of civil litigation.

## 5. OBJECTIVES.

The lessons will be aimed at stimulating students' ability to develop and formulate, on the basis of the knowledge acquired, judgments and solutions on the topics and problems of the discipline.

Communication abilities

Also, the structure of the course – dedicated also to the analysis of concrete cases – is aimed at enabling the student to acquire the ability to communicate, with language skills, on the topics of the discipline.

Finally, method and structure of the course should develop the students' argumentation and comprehension skills.

## 6. COURSE ORGANISATION.

UNITS

1.	Introduction: Civil Law and Common Law Procedural Systems
2.	Differences and Convergences: Sources of Law and the Role of the Judges
3.	Procedural Law and Substantive Law. Filing a Civil Claim
4.	Evidence; Trial and Pre-trial
5.	Judgment. Finality and res judicata. Means of Challenges and the Role of the Supreme Courts
6.	ADR and Collective Redress
7.	Class Action focus: North American vs. Italian/European Class Action
8.	Class Action focus: Building the Case
9.	Class Action focus: The Class Members and the Role of Law Firms
10.	Class Action focus: Preparing the Facts of the Case. Starting the Civil Action
11.	Class Action focus: the Economics of Class Action
12.	Intersections between Procedural and European Law. European Sources of Civil Procedure. The Policy Area of Judicial Cooperation in Civil Matters. The Legal Basis of European Civil Procedure: the Founding Treaties; the Amsterdam Treaty; Most Recent Developments
13.	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"
14.	Service of Documents. Legislative evolution. Assistance in the Taking of Evidence. Legislative Evolution
15.	Jurisdiction. Recognition and Enforcement of Foreign Judgments. Legislative Evolution. EU Reg. No. 1215/2012
16.	EU Enforcement Order for Uncontested Claims. EC Reg. No. 805/2004. EU Payment Order. EC Reg. No. 1896/2006
17.	Small Claims Procedure. EC Reg. No. 861/2007. Account Preservation Order. EU Reg. No. 655/2014
18.	International arbitration: Historical Evolution; Main Concepts. Sources of Discipline. Administered and ad hoc arbitration. Seat of Arbitration. Differences Between Domestic and International Arbitration. Challenges to Arbitral Awards
19.	Arbitrability. The Arbitration Agreement; Selection, Powers and Duties of the Arbitrator
20.	Procedural and Evidential Matters in International Arbitration
21.	Recognition and Enforcement of Foreign Arbitral Awards. The New York 1958 Convention. Inklings on Investment Arbitration
<b>PLANNED LEARNING ACTIVITIES AND TEACHING METHODS.</b>	
Lectures; group work; moot cases; viewing content/films depicting civil proceedings	

## 7. ASSESSMENT METHODS, CRITERIA AND PERIOD.

Oral exam; possible partial program exceptions conditioned on the participation to group activities, such as moot cases, and/or the drafting of written reports

### OBSERVATIONS.

None

## 8. BIBLIOGRAPHY AND TEACHING MATERIALS.

The course material will be provided directly by the Lecturer. It will consist of (open access) book excerpts, slides presentations, etc.

To quote some of the most important textbooks, references are made: on comparative civil procedure, to O. Chase et. Al. (eds), *Civil Litigation in Comparative Context*, 2nd Edition, 2017; on international arbitration, to N. Blackaby-C. Partasides, Redfern and Hunter on *International Arbitration: Student Version*, 2022 or last available version; on European civil procedure, to E. D'Alessandro-D. Castagno, *Handbook on Cross-Border Litigation*, 2024 or last available version