



Course Syllabus to

Introduction to International and European Civil Procedure – Fall 2023

by

Prof. Dr. Dr. h.c. Helmut Rüssmann:

Cross Border Contracts and Cross Border Dispute Resolution

Prof. Dr. Dr. h.c. Thomas Rauscher:

European Civil Procedure – Brussels Ia Regulation

Prof. Dr. István Varga:

The Cross Border Dispute Resolution Alternative: Commercial Arbitration

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| Title | 1 st Block: Cross Border Contracts and Cross Border Dispute Resolution 2 nd Block: Introduction to European Civil Procedure – Brussels Ia Regulation 3 rd Block: International Commercial Arbitration |
| Neptun-Code | J4:xV(ae):V06 |
| Admittance | Graduate, Postgraduate and Erasmus |
| Credits | 4 (Hungarian students) / 5 (students from abroad) |
| Responsible Professor | Prof. Dr. Dr. h.c. Helmut Rüssmann Prof. Dr. Dr. h.c. Thomas Rauscher Prof. Dr. István Varga |
| Exam | For all three blocks an integrated online open book written exam will take place in the week starting with Monday, December 4, 2023. The exact date will be fixed following consultation with the students, complying with foreign students' travel preferences. |
| Date and Venue | 1 st Block (Prof. Rüssmann): Oct 2 thru Oct 6, and Oct 9 thru Oct 13, 4pm-6pm in Room II/210 ("Eckhart Seminar Room"); 2 nd Block (Prof. Rauscher): Nov 21 thru Nov 22, 4pm-7pm, and Nov 23, 10am-12am in Room II/210 ("Eckhart Seminar Room"); 3 rd Block (Prof. Varga): Nov 27 thru Dec 1, 4pm-7pm in Room II/210 ("Eckhart Seminar Room"). |
| Course Description, Topics, Contents | The three blocks' topics are closely interconnected, and the lectures are shaped with regard to each other, wherefore it is strongly recommended to attend all blocks. En détail: |
| 1 st Block (Prof. Rüssmann) | Introduction to basic concepts, sources and current problems of the regulation and planning of cross-border transactions, exemplified by the international sale of goods in a comparative contract law framework. Introduction to the central issues of the resolution of cross-border legal disputes arising out of contractual obligations governed by the CISG, additionally to the regimes of international jurisdiction and recognition and enforcement of judgments and arbitral awards. |
| 2 nd Block (Prof. Rauscher) | Deepening the knowledge acquired in the 1 st Block by means of a thorough analysis of the jurisdictional regime applicable in cross-border civil and commercial legal disputes as regulated in European Union law, especially in the Brussels-Ia Regulation, and as interpreted in the case law of the European Court of Justice. |
| 3 rd Block (Prof. Varga) | Relying on the knowledge acquired in the 1 st and the 2 nd Block, participants will gain insight into the scientific foundations and the practical use of comparative civil procedure with the aim of handling practical problems of cross border litigation and arbitration from the phase of choice of forum to the closing of the procedures. Each topic will be dealt with partly on the basis |



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| <p>3rd Block (Prof. Varga) continued</p> | <p>of current problems raised in ongoing or closed cases of the lecturer as practicing counsel and arbitrator. Specific topics to be dealt with: 1. The motivation structure of choice of forum agreements; 2. Transaction planning vs forum shopping; 3. Contractualization of civil justice – The arbitration agreement as the contractual basis of arbitration; 4. The sources of international civil procedural law and of the law of commercial arbitration; 5. Lex fori regit processum, lex fori arbitrationis and the arbitral principle of territoriality; 6. Subjective and objective arbitrability; 7. Initiation of action and its effects before state courts and in arbitral proceedings; 8. Taking of evidence in state court litigation and in arbitration; 9. Interaction between state courts and arbitral tribunals during the pendency of arbitration; 10. State court judgments' and arbitral awards' fate – Remedial systems of state court judiciary and setting aside procedure; 11. Differences in the territorial extension of effects: Domestic, regional (EU-wide) and worldwide recognition and enforceability; 12. The competition between state and private civil justice and its perspectives in the light of recent commercial and investment arbitration-related developments.</p> |
| <p>Course Materials</p> | <p>Physical presence lectures, additional Panopto videos, slides, book chapters and rules uploaded to the Course's Teams channel's files.</p> |
| <p>Further Reading (selected uploaded chapters in the Course's Teams-channel)</p> | <p><i>Born</i>, International Commercial Arbitration, 3d ed. 2021; <i>Fellas</i>, Transatlantic Commercial Litigation and Arbitration, 2004; <i>Ferrari/Kröll</i>, Conflict of Laws in International Arbitration, 2011; <i>Hartley</i>, International Commercial Litigation, 3d ed. 2020; <i>Pondret/Besson</i>, Droit comparé de l'arbitrage international, 2002; <i>Redfern/Hunter/Blackaby/Partasides</i>, On International Arbitration, 6th ed. 2015; <i>Schütze</i>, Schiedsgericht und Schiedsverfahren, 6. Aufl. 2016; <i>Varga</i>, Beweiserhebung in transatlantischen Schiedsverfahren, 2006; <i>Wagner</i>, Rechtsstandort Deutschland im Wettbewerb, 2017. <i>Hartley</i>, International Commercial Litigation, 3d ed. 2020; <i>Rauscher</i>, Internationales Privatrecht – Mit internationalem Verfahrensrecht, 5., neu bearbeitete Auflage 2017.</p> |

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