

Ministry of Education and Science of Ukraine
V. N. Karazin Kharkiv National University

**PRIVATE INTERNATIONAL LAW:
MATERIALS FOR SEMINAR CLASSES**

Electronic resource

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M 61 **Private International Law** : materials for seminar classes [Electronic resource] / compiler V. M. Voronov. – Kharkiv : V. N. Karazin KhNU, 2024. – (PDF 65 p.)

Materials for seminar classes contain a thematic plan of the educational discipline, methodological instructions for seminar classes, criteria for evaluating answers in seminar classes and a list of recommended literature.

Recommended for students of the third year of the first (bachelor) level of higher education of the Faculty of Law who are studying in the specialty 293 International Law.

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1. INTRODUCTION

The materials for the seminar classes on the academic discipline Private International Law reflect the key areas of work to ensure a deeper familiarization with the lecture material, special literature, normative legal acts for the purpose of training a qualified specialist in issues of development history, categorical and conceptual apparatus of Private International Law ; sources, institutions and main types of conflicts of Private International Law ; solving private law problems with a foreign element and working with relevant international and national regulatory acts.

When discussing the topic of the seminar, students should take into account modern private law practice and international regulation.

Students should be able to analyze, draw logical conclusions and have a personal opinion on the topic of the seminar.

The main tasks of studying the discipline Private International Law is the formation of the following special and general competencies: GC 2. Knowledge and understanding of the subject area and understanding of professional activity. GC 7. Ability to adapt and act in a new situation, in particular, in an international context. GC 15. Appreciate and respect diversity and multiculturalism. SC 3. The ability to protect the national interests of ones own state with the help of international legal instruments. SC 6. Ability to apply knowledge of the principles and content of institutions of private international law. SC 11. Ability to provide legal opinions and advice on international law, national law of Ukraine and foreign countries; to determine the legal risks of certain foreign policy or foreign economic initiatives, to select ways to minimize them. SC 15. Ability to understand the features of international legal phenomena, to predict the main directions of development of international law.

Students must achieve the following learning outcomes: PLR 2. To carry out an analysis of social processes in the context of the analyzed problem and to demonstrate one's own vision of ways to solve it. PLR 3. Conduct collection and integrated analysis of materials from various sources. PLR 9. Independently determine the circumstances in which help is needed and act in accordance with the results obtained PLR 13. Convey to specialists and non-specialists information, ideas, problems, solutions and own experience on current issues of international law PLR 15. Freely use available information technologies and databases for professional activities PLR 19. Demonstrate the necessary knowledge and understanding of the essence and content of the main legal institutions and norms, fundamental industries, national law, European law and the law of the European Union

2. THEMATIC PLAN OF EDUCATIONAL DISCIPLINE

Chapter 1. General part of private international law

Topic 1. General characteristics of private international law

Concept, subject and system of private international law. Peculiarities of private relations of an international nature. The concept and forms of a foreign element in relations of a private legal nature. Normative composition of Private International Law . The method of private international law. The place of private international law in the legal system. Basic approaches in legal doctrine to the subject, method, composition of norms and the place of private international law in the legal system. Correlation of Private International Law with private law and international public law. Principles and functions of Private International Law.

Topic 2. Sources of Private International Law

Concepts and signs of sources of private international law. Types of sources of private international law. Legislation on private international law of foreign countries. Codification of private international law. Laws on private international law of individual countries. Judicial and arbitration practice of individual countries as a source of private international law. An international treaty as a source of private international law. Types of international agreements. Multilateral (universal and regional) treaties that contain unified conflict of laws and material norms. Bilateral contracts in Private International Law. Participation of Ukraine in international treaties on private international law. Custom as a source of private international law. Trade customs. Unification of norms of Private International Law. International bodies that participate in the development and adoption of sources of Private International Law.

Topic 3. Conflict rules in Private International Law

Reasons for collisions. Concepts and types of conflict of laws norms. The effect of imperative norms of the legislation of Ukraine, which regulates relations with a foreign element. The concept, structure and types of conflict of laws. The main types of conflict bindings (formulas of attachment): personal law of physical and legal (nationality) persons; the law of the country where the thing is located; the law of the country, which determines the requirements for the form of transactions (contracts); autonomy of the will; the law of the country applicable to the contract in the absence of a choice of law agreement; the law of the country under which the legal relationship to be settled is most closely related; the law of the country where the offense was committed; the law of the country determining the statute of limitations; the law of the court's country, etc.

Topic 4. Application of conflict of law rules in Private International Law

Qualification in Private International Law . Establishing the content and application of foreign law. The concept of backward reference and reference to the third law. The

principle of reciprocity and retort. Circumvention of the law in private international law. Public order clause in private international law.

Topic 5. Subjects of private international law

A natural person as a subject of private international law. A citizen as a subject of international private legal relations. A foreigner as a subject of international private legal relations. The refugee as a subject of international private legal relations. A legal entity as a subject of private international law. Legal regulation of activities of foreign legal entities in Ukraine. Transnational companies as subjects of international private legal relations. Legal status of offshore companies as subjects of international private legal relations. The state as a subject of private international law. Principles determining the legal regime of foreign investments and the investment policy of states. Legal status of foreign investors in Ukraine. State guarantees.

Chapter 2. Special part of private international law

Topic 6. Property rights in Private International Law.

Conflicting issues of property rights in private international law. Occurrence and termination of ownership. The law defining the ownership of movable and immovable property. Legal regime of ownership of foreigners and foreign legal entities in Ukraine. Legal regime of ownership of foreign states in Ukraine. Basic principles of international protection of related rights. Subjects of international protection of related rights. Terms of international protection of related rights. Basic principles of international protection of industrial property. Subjects of international protection of industrial property. The mechanism of industrial property protection in Private International Law. The importance of the principles of national regime, reciprocity and priority. International legal protection of rights to methods of individualization of participants in civil turnover, goods and services. International trademark registration system. The law

defining the right of ownership and other property rights in relation to vehicles. The law defining property rights to movable property (goods) in transit. The law defining methods of protection of property rights and other property rights. Legal regime of investments of Ukrainian legal entities and citizens abroad. Legislation of Ukraine on the procedure for investing property values abroad by residents of Ukraine. Legal regulation of opening of accounts in foreign banks by residents of Ukraine. Legal regulation of foreign investments in Ukraine. The concept of foreign investments and their types. Sources of legal regulation of foreign investments in Ukraine.

Topic 7. The right of intellectual property in Private International Law

Concepts and types of intellectual property. Basic principles of international copyright protection. Subjects of international copyright protection. Terms of international copyright protection.

Topic 8. Obligations in Private International Law

Legal regulation of contractual obligations in Private International Law. Concept of foreign economic agreement (contract). Elements of a foreign economic agreement. Form of foreign economic agreement. The procedure for concluding international commercial contracts. The concept of types and sources of regulation of international transportation. Conflict of laws and material norms regarding the statute of limitations. Regulation of conditions of supply of goods. Basic terms of supply (INCOTERMS). Scope of regulation and varieties. Legal regulation of monetary obligations arising from foreign economic agreements. International legal unification of settlement relations in foreign trade. Uniform rules and customs for documented letters of credit. Letter of credit agreement. Letter of credit forms. The concept of non-contractual obligations in Private International Law. The concept of tortious obligations. Types of conflicts of interest, which are used in the legislation of states and international treaties to determine the statute of non-contractual obligations with a foreign element. The law of the country

where the offense was committed; the law of the state that suffered from the offense; court law; the law on the citizenship of the victim and the offender; the law of the place of residence of the defendant. Agreements on legal assistance of Ukraine with other states.

Topic 9. Inheritance relations in Private International Law

Conflicting issues of inheritance law. The law that is used when determining the order of transfer of property, rights and obligations during inheritance. Legal regulation of inheritance by foreigners in Ukraine. Legal regulation of inheritance by citizens of Ukraine abroad. The role and significance of legal aid agreements in cases of inheritance abroad: determination of the law necessary for application; inheritance by the state; dilapidated property; will; jurisdiction over inheritance matters; measures for heritage protection.

Topic 10. Labor relations in Private International Law

Conflicting issues of labor law. The main types of conflicts of interest: the law of the place of conclusion of the employment contract; workplace law; the law of the place of production activity; the law of the location of the employer; employee citizenship law; the law of the ship's flag; the law of the place of registration of the vehicle. The Code of Labor Laws of Ukraine regarding the regulation of labor relations of citizens working outside the state. Conditions and procedure for employment of foreigners in Ukraine. Ukrainian legislation on pension provision of citizens of Ukraine who are abroad and foreigners who are in Ukraine.

Topic 11. Marital and family relations in Private International Law

Collision issues of family legal relations. The main types of conflicts of interest: the law of the place of marriage; law on citizenship of spouses; the law of the country of permanent residence of the child; adoption citizenship law; law of the court.

Marriage of Ukrainian citizens with foreigners. Rights and obligations of foreign citizens and stateless persons in marriage and family relations. Marriages between citizens of Ukraine and foreigners in Ukraine. Marriage between a citizen of Ukraine and a foreigner, concluded outside the borders of Ukraine. Contracts of Ukraine on legal assistance in marriage. Procedure and features of divorce between a citizen of Ukraine and a foreign citizen in Ukraine. Legal regulation of personal and property relations between spouses in Private International Law. Regulation of relations between parents and children in Private International Law. Legal regulation of adoption in Private International Law. Legal regulation of custody and care in Private International Law. Establishment of guardianship and care for citizens of Ukraine living abroad. Establishment of custody and care of foreigners in Ukraine. Recognition of custody and guardianship established outside Ukraine.

Topic 12. International civil process and international commercial arbitration

Concept of international civil process. Determination of jurisdiction of civil cases with a foreign element. The main systems of determining jurisdiction. Concept of contractual jurisdiction. Procedural status of foreign citizens and foreign legal entities in the Ukrainian civil process. The procedural status of a foreign state and its diplomatic missions in Ukraine. Execution of orders of foreign institutions of justice. Legal regulation of execution of foreign court mandates in Ukraine. The Hague Convention on Civil Procedure of 1954. The role of legal aid agreements. Carrying out notarial actions regarding cases with a foreign element. Concept of legalization. Apostille The concept of foreign trade arbitration. Legal position and types of arbitration (arbitration) courts. Institutional foreign trade arbitration and arbitration ad hoc. UNCITRAL Model Agreement on International Commercial Arbitration. Arbitration Rules of the European Economic Commission of the United Nations. Regulations of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of Ukraine. Regulations of the Maritime Arbitration Commission at the Chamber of Commerce and

Industry of Ukraine. The meaning and content of the arbitration clause. Recognition and enforcement of foreign arbitration awards. Agreement on the procedure for resolving disputes related to the implementation of economic activity.

3. METHODOLOGICAL INSTRUCTIONS FOR SEMINAR CLASSES

3. 1. General methodical instructions

Seminar classes are an important component of the educational process. The purpose of conducting seminars within the framework of the discipline Private International Law is an in-depth familiarization with the lecture material, additional special literature and legal acts, as well as the development of the skills of independent expression of opinion based on scientific developments. One of the main tasks of conducting seminar classes is the formation of students' own position and views on practical and theoretical issues, as well as proposals for their solution.

The process of preparing for a seminar class requires studying not only the theoretical aspects of the course, but also the ability to navigate the regulatory and legal material with its subsequent application in practical situations.

To prepare for the seminars, it is necessary to use modern literature and legal acts, and avoid outdated information. During the seminar session, students must demonstrate knowledge of the actual material and the ability to analyze, make comparisons and logical conclusions, and express their own position on questions from the course.

		Number of hours
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No. z/p	Topic name	Full- time	Part- time
1	General characteristics of private international law	4	2
2	Sources of Private International Law	4	
3	Conflict norms in Private International Law	2	-
4	Subjects of Private International Law	4	-
5	Property rights in private international law.	4	2
6	Obligations in Private International Law	4	-
7	Inheritance relations in Private International Law	4	-
8	Labor relations in Private International Law	2	
9	Marital and family relations in Private International Law	2	
10	International civil process and international commercial arbitration	2	
	In total	32	4

Methodical guidelines for the topics of seminar classes

Seminar lesson No. 1. General characteristics of Private International Law

Educational goal of the lesson: formation of a comprehensive understanding of Private International Law and its place in the legal system of Ukraine

Duration: full-time education - 4 hours, part-time education - 2 hours.

Study questions:

1. Subject of Private International Law . The concept of private law relations complicated by a foreign element. Types of foreign element in private law relations.
2. Methods of legal regulation in PIL.
3. The PIL system as a field of law and academic discipline.
4. Correlation of PIL with other branches of national law and international law.

Methodical instructions

Consideration of the first question should begin with the study of the subject of Private International Law and the legal nature of private law relations complicated by a foreign element. Three main types of complication by a foreign element and forms of their legal expression should be considered.

The second issue requires an analysis of methods of legal regulation of private international law. It is necessary to define the collision method of legal regulation and the material-legal method. Be able to explain the difference between them and the features of application.

In the third question, it is necessary to be able to explain the structure of the general and special part of Private International Law and characterize the key components of the general and special part of this field of law.

The fourth question involves understanding the interaction between private international law and other areas of law, primarily with international public law and areas of private law. Special attention should be paid to the interaction of Private International Law with civil law and process, family law, and labor law.

Questions for students' reports:

1. Complication by a foreign element at the level of subject, object and legal fact.
2. Peculiarities of the interaction of international public law and Private International Law

Test questions:

1. Private International Law is:
 - A) sub-branch of international economic law;
 - B) a legal system consisting of conflicting norms;
 - C) an independent section of civil law;
 - D) a system of legal norms regarding the regulation of international relations between private legal nature.
2. The subject of private international law is:
 - A) conflicting legal relations and private law relations;
 - B) private law relations complicated by a foreign element;
 - C) conflicting legal relations and private law relations complicated by a foreign element;
 - D) conflict legal relations and civil legal relations.
3. The term "foreign element" means:
 - A) a structural element of international private legal relations;
 - B) mandatory participation in international private legal relations of a foreigner;
 - C) connection of international private legal relations with more than one law and order;

- D) regulation of private legal relations by norms of international law.
4. Special methods of legal regulation in Private International Law are:
- A) conflict-of-law method;
 - B) private law method;
 - C) dispositive method;
 - D) special legal method.
5. Specify the type of social relations that does not belong to the subject of regulation Private International Law:
- A) International adoption relations ;.
 - B) International transportation relations;
 - C) Execution of decisions of foreign courts;
 - D) International taxation.

Seminar class No. 2. Sources of Private International Law

Educational goal of the lesson: to form students' ideas about the system and classification of sources of Private International Law

Duration: full-time study - 4 hours.

Study questions:

1. Types of sources of private international law
2. National legislation as a source of private international law
3. An international agreement in the system of sources of Private International Law
4. International and trade customs as sources of Private International Law
5. Judicial and arbitration practice in Private International Law

Methodical instructions

In the first question, attention should be paid to the structure of the classification of sources of Private International Law, and to the peculiarities of this classification depending on the legal system. Separately, we should dwell on the system of sources of private international law used in Ukraine.

In the second question, attention should be focused on the duality of forms of legal regulation: on the existence of domestic and international levels of regulation of the same relations. Understand that the national legislation of several states can be used simultaneously in private international law.

In the third question, it is necessary to characterize the international treaty as one of the main sources of private international law, to explain that from the moment the norms of the international treaty are included in the composition of one or another legal system, they act as internal legal norms, while remaining international treaties, that is, they become part of the national legislation of a certain state.

The fourth question should be devoted to the description and classification of customs in Private International Law, namely, that customs are divided into a) international trade customs (including customs of international commercial shipping) and b) customs of business turnover. Customs can be international and domestic. Pay attention to the fact that an international custom can be applied in Ukraine only if it is recognized. It is necessary to characterize the system of international trade customs and the most used customs (UNIDRUA, INCOTERMS rules and others)

In the fifth question, in relation to arbitration and court practice, one should focus on the features of different legal systems and the specifics of the use of such practice in different countries. It is necessary to characterize the peculiarities of judicial and arbitration practice in Ukraine.

Questions for students' reports:

1. Classification of sources of private international law
2. Characteristics of the Law of Ukraine "On International Private Law"

3. General principles of law as sources of private international law
4. Peculiarities of the application of judicial practice in Ukraine
5. Peculiarities of application of arbitration practice as a source of private international law

Test questions:

1. Sources of private international law include:
 - A) international agreement;
 - B) legal custom;
 - C) normative legal act;
 - D) all options are correct.
2. The main feature of sources in Private International Law is considered to be:
 - A) advisory nature;
 - B) dual (national and international) character;
 - C) insignificant level of codification;
 - D) supranational character.
3. Incorporation is:
 - A) inclusion of international regulatory legal acts in the domestic one legislation of the country;
 - B) transformation of normative legal acts into norms of domestic law;
 - C) harmonization of international legal norms through codification;
 - D) arrangement of doctrinal sources of PIL.
4. To national sources by origin in Private International Law it is customary to attribute:
 - A) international agreements;

- B) judicial and arbitration practice;
- C) international customs;
- D) bilateral agreements on legal assistance.

5. The means of unification are:

- A) international agreements;
- B) typical (model) laws;
- C) codified sets of international trade customs.
- D) all options are correct.

Seminar class No. 3. Conflict of laws in private international law

Educational goal of the lesson: formation of a comprehensive understanding of conflict of laws rules, their structure and application features

Duration: full-time study - 2 hours.

Study questions:

1. The concept and structure of the conflict of laws rule. General classification of conflict of laws (imperative, dispositive, alternative, cumulative).
2. Basic attachment formulas. Personal law of a natural person. Personal law of a legal entity. Law on the location of property.
3. Autonomy of the will of the parties. The law of the place of injury. Law of the country of the court.
4. The law of the closest connection. Law of the seller. Law of the flag.

Methodical instructions

In the first question, students must understand the concept and structure of conflict of laws rules. It is necessary to pay attention to the peculiarities of complex

conflict rules that may have several links (alternative and cumulative conflict rules). It is necessary to separate the different parts of the conflict of laws rule for further analysis of the applicable law.

In the second question, it is necessary to analyze the structure of the personal law of an individual and a legal entity. Pay attention to the peculiarities of establishing the personal law of an individual and a legal entity, depending on the jurisdiction. It is necessary to understand the specifics of the application of personal law for stateless persons and refugees. With regard to legal entities, one should pay attention to the theories of "nationality" of a legal entity that were used in different historical periods

The third question is devoted, first of all, to the understanding of the autonomy of the will of the parties, as one of the main conflict bindings, which will be used in various topics of a special part of private international law. Regarding the law of the place of infliction of damage, it is necessary to pay attention to its leading role in tortious obligations.

The fourth question examines special conflict of law bindings used in certain sub-branches of private international law. When considering the issue of the law of the flag, attention should be paid to its use in certain types of transport. Characterizing the law of the seller should follow the connection with conventions regulating contracts for the purchase and sale of goods

Questions for students' reports:

1. Peculiarities of consolidation of cumulative conflict norms in the legislation of Ukraine.
2. Permanent place of residence as a type of personal law of an individual
3. The theory of domicile as a type of personal law of a legal entity
4. Peculiarities of using the law of the flag in air transport

Test questions:

1. The main task of the conflict of laws rule is:
 - A) reference to a certain legal system and legal regulation of social relations complicated by a foreign element;
 - B) regulation of social relations by norms of material law;
 - C) resolution of a legal dispute on the merits;
 - D) all options are correct.

2. Conflict norms in the field of Private International Law in the national legislation mainly contains:
 - A) Law of Ukraine "On Foreign Economic Activity";
 - B) Civil Code of Ukraine;
 - C) Law of Ukraine "On International Private Law";
 - D) Law of Ukraine "On peculiarities of regulation of relations with a foreign element".

3. Norms, the binding of which directly indicates the law of the state to be applied, and most often indicates the application of the law in one's state:
 - A) unilateral norms;
 - B) multiple norms;
 - C) cumulative norms;
 - D) dispositive norms.

4. Types of personal law of an individual are:
 - A) the law of citizenship and the law of the place of residence;
 - B) the law of the workplace;
 - C) law of birth;
 - D) registration law .

5. According to its content, the principle "autonomy of the will of the parties" provides:

A) the law enforcement body determines the law to be applied to relevant legal relations;

B) the law that is closest to them is applied to the relevant legal relationship related;

C) participants in legal relations with a foreign element can make a choice the law applicable to the relevant legal relationship;

D) only the dispositive norms of the law of the respective state are applied to the relevant legal relationship.

Seminar session No. 4. Subjects of Private International Law

Educational goal of the lesson: to form a holistic view of the subjects of Private International Law and their interaction.

Duration: full-time study - 4 hours.

Study questions:

1. Natural persons as subjects of PIL. Legal regimes that may apply to foreigners
2. Peculiarities of the legal status of foreign legal entities in Ukraine and Ukrainian legal entities abroad.
3. The state as a subject of private international law.
4. Types of state immunity and features of its application.

Methodical instructions

The first question is devoted to natural persons and their legal status as subjects of private international law, features of personal law and legal regimes that may apply

to natural persons. The peculiarities of the application of the national regime in Ukraine should be considered separately.

In the second question, three main theories regarding the nationality of legal entities and their application in different legal systems should be considered. Particular attention should be paid to the work of foreign legal entities in Ukraine and Ukrainian legal entities abroad. The special regime and the most favorable regime should be considered separately.

In the third question, it is necessary to understand the differences between the state and other subjects of private international law and the limitations that states face when entering into private law relations complicated by a foreign element. It is necessary to consider the peculiarities of the work of state institutions and enterprises as subjects of private international law.

In the fourth question, it is necessary to consider 4 types of state immunity and provide their characteristics: 1) judicial; 2) from preliminary security of the claim; 3) from enforcement of the decision; 4) property (property). To be able to explain the specifics of the limitation of these types of immunity, for the state's participation in private law relations.

Questions for students' reports:

1. Peculiarities of the application of the national regime in relation to foreigners in private international law
2. Legal status of the state as a subject of private international law
3. Peculiarities of the restriction of property immunity of the state
4. Features of limiting the judicial immunity of the state

Test questions:

1. The regime according to which foreign citizens and legal entities granted almost the same rights and obligations as domestic citizens and legal entities, is called:

- A) national;
- B) the greatest contribution;
- C) special;
- D) comfortable .

2. Foreigners in Ukraine:

- A) always do not have the same rights, freedoms and obligations as citizen of Ukraine;
- B) always have the same rights, freedoms and obligations as citizens of Ukraine;
- C) have the same rights, freedoms and obligations as citizens of Ukraine, unless otherwise provided by legislative acts of Ukraine and international agreements.
- D) there is no correct answer.

3. The legal capacity of an individual is determined by:

- A) According to her personal law.
- B) According to the legislation of Ukraine.
- C) Right of residence.
- D) The right chosen by this person.

4. The personal law of a refugee is:

- A) Citizenship law.
- B) The law of the country that granted him asylum.
- C) The law of the country chosen by the refugee for permanent residence.
- D) Law of Ukraine.

5. What relations with the participation of the state are regulated by the PIL:

- A) Relations of scientific and technical cooperation.
- B) Private law relations, where one party is the state, and the other is the state a foreign private person acts as a party.
- C) The state is not a subject of PIL.
- D) Intergovernmental relations.

Seminar class No. 5. Property rights in Private International Law .

Educational goal of the lesson: formation of understanding about property rights and other property rights complicated by a foreign element

Duration: full-time education - 4 hours, part-time education - 2 hours.

Study questions:

1. Conflicting issues of property rights. The law on the location of property as the main conflict principle in the field of property legal relations in the PIL.
2. Occurrence and termination of property rights and other property rights in the PIL.
3. Conflicting issues of ownership and other property rights to movable property in transit.
4. Legal regulation of foreign investments in Private International Law .

Methodical instructions

In the first question, it is necessary to consider conflicting rules that can be used in legal relations with a foreign element, which include movable and immovable property. Attention should be paid to the conflicting reference to the location of property, as the main one that regulates legal relations in the field of property rights.

In the second question, attention should be paid to the ways of acquiring and terminating the right of ownership existing in different legal systems and the peculiarities of the interaction of the personal law of a natural person and a person's personal belongings.

In the third question, one should understand the peculiarities of collision regulation of movable property, which is connected with the crossing of borders. Attention should also be paid to the convention regulation of property rights and to national legislation regulating property rights

The fourth question is devoted to the legal regulation of foreign investments in Ukraine. Students should know the concept of foreign investments and their types, sources of legal regulation of foreign investments in Ukraine and the world. The specifics of investment dispute resolution in special investment arbitration should be considered separately.

Questions for students' reports:

1. Peculiarities of the application of the law on the location of property in relation to different categories of property rights
2. Peculiarities of the emergence and termination of ownership rights in different countries of the Romano-Germanic legal system
3. Conventional and conflict regulation of property in transit
4. Peculiarities of settlement of investment disputes in the arbitration procedure

Test questions:

1. Ownership and other property rights to immovable and movable property in accordance with the provisions of the Law of Ukraine "On International Private Law" are defined:
 - A) the law of the state with which the owner has the closest connection;
 - B) the law of the state in which the owner has a place of residence;

- C) the law of the state in which this property is located
 - D) all options are correct.
2. According to Ukrainian legislation, the emergence and termination of the right of ownership and other property rights to movable property is determined by:
- A) personal law of the owner;
 - B) the law of the state to which the property owner belongs;
 - C) the law of the state in which this property was last registered;
 - D) the law of the state in which the property was located at the time of occurrence of the corresponding legal fact.
3. Ownership and other property rights to movable property in transit is determined by:
- A) By the law of the country of dispatch of the cargo.
 - B) Law of the country of destination of this cargo.
 - C) By the law of the state of the carrier.
 - D) With the help of the autonomy of the will.
4. The protection of property rights and other property rights is carried out according to the law:
- A) The state in which the property is located or the state of the court.
 - B) States of the court
 - C) The state of which the plaintiff is a citizen.
 - D) At the option of the applicant in accordance with the law of the state in which the property is located or in accordance with the law of the state of the court.
5. Protection of property rights and other property rights subject to state ownership registration in Ukraine is carried out:
- A) in accordance with the law of Ukraine;
 - B) in accordance with the applicant's right to choose;
 - C) in accordance with the law of the state of the court;

D) at the option of the applicant in accordance with the law of the state in which the property is located, or in accordance with the law of the state of the court.

Seminar session No. 6. Obligations in Private International Law

Educational goal of the lesson: formation of a complex idea about obligations complicated by a foreign element

Duration: full-time study - 4 hours.

Study questions:

1. Concepts and types of transactions with a foreign element. The scope of the law applicable to the deed.
2. Peculiarities of conflict regulation of contractual obligations in PIL. Autonomy of the will of the parties in conflict law of Ukraine.
3. Contract of international purchase and sale of goods. UN Vienna Convention "On Contracts for the International Sale of Goods".
4. Types of non-contractual obligations complicated by a foreign element and conflicting approaches to their regulation.

Methodical instructions

In the first question, it is necessary to give a general description and classify transactions with a foreign element. Pay attention to the wide variety of conflict of laws rules used in contractual and non-contractual obligations.

In the second question, it is necessary to characterize foreign economic contracts complicated by a foreign element and pay attention to the mandatory and optional elements of such contracts. The procedure for state registration of such contracts should also be described.

The third question requires an analysis of the UN Vienna Convention "On Contracts for the International Sale of Goods" and the practice of its application in various legal systems. Attention should be paid to the provisions of the convention, which were enshrined in Ukrainian legislation.

The fourth issue should be devoted to consideration of tort obligations and their conflict regulation. Attention should be paid to special conflict of law bindings, such as the law of the place where the offense was committed. It is also necessary to characterize the application of the principle of autonomy of will in relation to the injured person

Questions for students' reports:

1. Conflict regulation of transactions with a foreign element
2. State registration of foreign economic contracts
3. Peculiarities of concluding a supply contract complicated by a foreign element
4. Autonomy of the will of the parties during the resolution of tort disputes

Test questions:

1. The most generally accepted in Private International Law on issues of tortious obligations with the participation of a foreign element is the conflict binding:

- A) personal law of the person causing the damage;
- B) the law of the state whose interests were most affected;
- C) the law of the state where the tort was committed.
- D) the right most favorable for the victim in a specific case.

2. The criterion for distinguishing a foreign economic agreement among other transactions are:

- A) subject structure of its participants;
- B) contract form;

- C) purpose of the contract;
- D) civil nature.

3. The law applicable to the contract in accordance with the provisions of Z.U.

"On Private International Law ", covers:

- A) validity of the contract;
- B) interpretation of the contract;
- C) cession of the right of claim and transfer of debt in accordance with the contract;
- D) all options are correct.

4. The main conflict of interest regarding the regulation of contractual relations in Private International Law is:

- A) the principle of the autonomy of the will of the parties;
- B) the right most closely related to the deed;
- C) the law of the place of conclusion of the contract;
- D) the right of the party performing decisive performance under the contract

5. Rights and obligations under obligations arising as a result of causing damage are defined:

- A) the law of the state in which the action or other circumstance took place, which became the basis for a claim for compensation for damage;
- B) personal law of the person who caused damage;
- C) the law of the state in which the person who caused the damage has a place of permanent residence;
- D) all options are correct.

Seminar class No. 7. Inheritance relations in Private International Law

Educational goal of the lesson: to form an understanding of the legal regulation of inheritance relations complicated by a foreign element.

Duration: full-time study - 4 hours.

Study questions:

1. The main conflicts in inheritance under PIL. Conflicting norms of inheritance law in the legislation of Ukraine.
2. International legal regulation of inheritance relations. Washington Convention of 1973 on Uniform Law on the Form of International Wills. European Convention of 1972 on establishing rules for the registration of wills.
3. Inheritance rights of foreigners in Ukraine. Inheritance rights of Ukrainian citizens abroad.
4. Legal regime of deceased inheritance in Private International Law .

Methodical instructions

In the first question, it is necessary to consider conflicting bindings used in legal relations of inheritance. Attention should be paid to the national regulation of inheritance relations and to the law of the place of making the will and the last place of residence of the testator. It is necessary to consider the form of the will in different legal systems and the peculiarities of the conclusion of wills.

The second question is devoted to the analysis of the Washington Convention of 1973 on a uniform law on the form of an international will and the European Convention of 1972 on establishing rules for the registration of wills. It is necessary to establish the reasons for the adoption of these conventions and their impact on the legal regulation of inheritance relations

In the third question, it is necessary to analyze the Ukrainian legislation and establish the specifics of conflict regulation of inheritance rights and obligations of foreigners. It is also necessary to understand the rights of Ukrainian citizens abroad in the field of inheritance.

In the fourth question, attention should be paid to the national regulation of the deceased inheritance regime in different countries and the ways of its consolidation in national legislation. Particular attention should be paid to the regime of deceased inheritance in the legislation of Ukraine

Questions for students' reports:

1. Conflict regulation of inheritance relations in Private International Law
2. The history of the adoption and operation of the Bustamante Code
3. Powers of diplomatic and consular institutions in the field of inheritance
4. Regime of deceased inheritance in common law countries

Test questions:

1. Inheritance of real estate is regulated by:
 - A) the law of the state on whose territory this property is located, and the property subject to state registration in Ukraine - the law of Ukraine;
 - B) the law of Ukraine;
 - C) the law of the state on whose territory this property is located;
 - D) there is no correct answer.
2. The form of the will is determined by state law:
 - A) Places of making a will.
 - B) The state of which the testator was a citizen at the time of making the will or death

- C) State of residence at the time of making a will or death.
 - D) In which the testator had a permanent place of residence at the time of making the will or at the time of death.
3. According to the provisions of the Law of Ukraine "On International Private Law", the choice of law in accordance with the principle of "autonomy of the will of the parties" cannot be carried out:
- A) in inheritance legal relations;
 - B) if stateless persons participate in the legal relationship;
 - C) if there is no foreign element in the legal relationship;
 - D) in binding legal relations.
4. The holographic form of the will provides that:
- A) a person "handwrites" the text of the will;
 - B) the will is drawn up according to the established model;
 - C) the will is drawn up in the presence of witnesses;
 - D) the authenticity of the person's signature under the will is subject to mandatory notarization certificate .
5. Foreign citizens in Ukraine in the field of inheritance use:
- A) a special legal regime;
 - B) national legal regime;
 - C) the legal regime established in the relevant foreign state;
 - D) the regime of the greatest assistance.

Seminar session No. 8. Labor relations in Private International Law

Educational goal of the lesson: forming an understanding of conflict regulation of labor relations complicated by a foreign element.

Duration: full-time study - 2 hours.

Study questions:

1. Conflict regulation of international labor relations.
2. International legal regulation of labor. The role of conventions of the International Labor Organization (ILO).
3. Employment of foreigners in Ukraine. The principle of the national regime in the field of labor relations.
4. Labor rights of Ukrainian citizens abroad.

Methodical instructions

The first question is devoted to the peculiarities of conflict regulation of labor relations complicated by a foreign element. It is necessary to characterize the main collision bindings in this area: the law of the country of labor (*lex loci laboris*), autonomy of will in choosing the law governing labor relations, the law of the employer's location, the law of the ship's flag, the personal law of the employer, the law of the country of conclusion of the employment agreement.

The second question should analyze the work of the International Labor Organization and the main conventions in the field of guaranteeing the rights of labor migrants and other subjects of labor relations

The third issue is devoted to the analysis of Ukrainian labor legislation in the field of labor relations complicated by a foreign element. Attention should be paid to the specifics of the procedure for inviting foreign specialists to various positions and types of work. Find out which categories of workers need a work permit and which do not.

The fourth question should tell about the specifics of the rights and guarantees of Ukrainian citizens working abroad. Consider types of work abroad: in a foreign enterprise, in a branch or representative office of a Ukrainian legal entity, in diplomatic or consular institutions

Questions for students' reports:

1. Describe the conflict of laws law of the country where the work is performed
2. The main conventions of the ILO regarding the guarantees of the rights of migrant workers
3. Describe the process of inviting a foreign specialist to work in Ukraine
4. What are the rights and obligations of citizens of Ukraine working abroad

Test questions:

1. The main conflict of law binding in Private International Law in the field of labor relations regulation is:
 - A) the law of the employer's location;
 - B) the law of the state that sent the employee to work ;
 - C) the principle of autonomy of the will;
 - D) the law of the state where the work is performed.
2. State law applies to labor relations:
 - A) in which the work is performed, unless otherwise provided by law or international agreement of Ukraine;
 - B) in which the person performing the work has a permanent place of residence;
 - C) according to the employee's personal law;
 - D) all answers are correct.

3. Labor relations of citizens of Ukraine working abroad are regulated by the law of Ukraine if:

A) citizens of Ukraine work in foreign diplomatic institutions of Ukraine;

B) citizens of Ukraine concluded with employers - physical or legal employment contracts for persons of Ukraine to perform work abroad, including in their separate subdivisions, if this does not contradict the legislation of the state on the territory of which the work is performed;

C) it is stipulated by the law or an international treaty of Ukraine;

D) all answers are correct.

4. Labor relations of foreigners and stateless persons working in Ukraine are not regulated by Ukrainian law if:

A) foreigners and stateless persons outside of Ukraine entered into agreements with foreigners

by employers - individuals or legal entities employment contracts on performance of work in Ukraine, unless otherwise stipulated by contracts or an international agreement of Ukraine;

B) foreigners and stateless persons have been living on the territory of Ukraine in recent years;

C) foreigners and stateless persons work as part of international organizations;

D) there is no correct answer.

5. What is the regime in the field of labor relations with the participation of foreign citizens

installed in Ukraine:

A) National.

B) The greatest contribution.

C) Preferential.

D) Licensing.

Seminar session No. 9. Marital and family relations in Private International Law

Educational goal of the lesson: forming an understanding of the legal regulation of marital and family relations complicated by a foreign element.

Duration: full-time study - 2 hours.

Study questions:

1. Conflict regulation of marriage and divorce in PIL.
2. Property relations of spouses in Private International Law .
3. Peculiarities of legal relations with the participation of children in PIL. International adoption and its consequences.
4. Alimony obligations in Private International Law . The procedure for collecting alimony from parents moving abroad for permanent residence.

Methodical instructions

In the first question, attention should be paid to the main conflict bindings in the field of legal regulation of marital and family legal relations complicated by a foreign element , namely: the law of the state of the place of marriage (binding *lex loci celebrationis*), the personal law of spouses, the closest connection applicable to marriage

In the second question, it is necessary to distinguish between the application of joint ownership and separate ownership of spouses. Particular attention should be paid to the conclusion of a marriage contract in different legal systems and its content.

The third question should be devoted to the peculiarities of international adoption and the mutual rights of parents and children, which are complicated by the foreign element. Approaches to international adoption should be considered: adoption involving a foreign element is regulated by the adopter's personal law; adoption is regulated by the law of the adopted person; adoption relations are governed by the personal law of the adopter with the organic application of the adopted person's personal law.

In the fourth issue, attention should be paid to the convention regulation of alimony obligations and legal assistance agreements. It is necessary to analyze the possibilities of diplomatic and consular institutions in the sphere of fiduciary obligations.

Questions for students' reports:

1. Peculiarities of finding the closest connection in marital and family legal relations complicated by a foreign element
2. Peculiarities of concluding a marriage contract complicated by a foreign element
3. International adoption procedure in Ukraine
4. The procedure for collecting alimony abroad

Test questions:

1. The right to marry is determined by:
 - A) by the personal law of each of the persons who submitted an application for marriage;
 - B) the law of the state of temporary residence of one of the persons who submitted an application for marriage;
 - C) the law of the state where the real estate is located;

D) there is no correct answer.

2. A marriage between foreigners registered outside of Ukraine under the law of the state of the place of its registration in Ukraine is:

A) Invalid.

B) Valid.

C) Can be recognized as valid if there are no obstacles established by the Family Code of Ukraine.

D) Can be recognized as valid on the terms of reciprocity.

3. The material requirements for marriage in Private International Law include the following issues:

A) tortious capacity;

B) marriage registration;

C) marriageable age;

D) places of marriage.

4. A marriage between citizens of Ukraine, if at least one of them lives outside Ukraine, can be concluded in a consular institution or diplomatic mission of Ukraine in accordance with the law:

A) Ukraine;

B) host state;

C) country of location;

D) the state determined by the persons entering into marriage.

5. The form and procedure for concluding a marriage in Ukraine between a citizen of Ukraine and a foreigner or stateless person, as well as between foreigners or stateless persons, are defined:

A) the law of the state of which one of the spouses is a citizen;

B) by the law of the state where one of the spouses has a predominant or temporary place residence;

- C) the law of Ukraine;
- D) all answers are correct.

Seminar session No. 10. International civil process and international commercial arbitration

Educational goal of the lesson: to form an understanding of the organization of international civil proceedings and international commercial arbitration.

Duration: full-time study - 2 hours.

Study questions:

1. Legal status of foreigners in the civil process of Ukraine
2. Judicial mandates in international civil proceedings
3. Concepts and features of international commercial arbitration as an alternative method of dispute resolution.
4. Recognition and enforcement of decisions of international commercial arbitrations

Methodical instructions

The first question should consider the rights of foreign subjects to participate in civil proceedings in Ukraine. The right of foreigners to recourse to court and legal remedies, as well as the right to a fair and public hearing in court

The second issue is devoted to the analysis of international legal assistance in civil cases, namely foreign judicial mandates. It is necessary to understand the legal nature of foreign court orders, the purpose of their use and the peculiarities of this process in Ukraine

The third question is devoted to the legal nature of international commercial arbitration, its features and peculiarities. It is necessary to understand the concepts, types of arbitration, the legal nature of the arbitration agreement and the peculiarities of arbitration proceedings.

The fourth question requires an analysis of conventions in the field of international commercial arbitration (New York Convention of 1958). Attention should be paid to the finality of the arbitral award and the procedure for appealing the arbitral award and its enforcement.

Questions for students' reports:

1. Peculiarities of the process with the participation of foreign entities in Ukraine.
2. Peculiarities of execution of foreign court orders in civil proceedings in Ukraine
3. Advantages of arbitration proceedings over proceedings in state courts
4. Grounds for refusing to enforce an international commercial arbitration decision

Test questions:

1. If the parties did not agree on the number of arbitrators in advance, then, in accordance with the Regulations

ICAC at the Chamber of Commerce and Industry of Ukraine:

- A) one arbitrator is appointed;
- B) two arbitrators are appointed;
- C) three arbitrators are appointed;
- D) any odd number of arbitrators is appointed.

2. Types of international jurisdiction are:

- A) general ;

B) contractual ;

C) exclusive ;

D) all answers are correct.

3. Cases regarding the recognition and enforcement of decisions of foreign courts in Ukraine consider:

A) relevant local courts;

B) Supreme Court of Ukraine;

C) relevant specialized courts;

D) there is no correct answer.

4. Disputing the arbitration decision is carried out by contacting:

A) the court of the country in which the arbitral award was rendered;

B) the court of the state in which the arbitration award is subject to enforcement;

C) a special committee created in accordance with the "European Convention on Foreign Trade Arbitration" (1961);

D) the court of the state to which the party contesting the arbitration award belongs.

5. The procedure for proceedings in courts regarding the recognition and enforcement of decisions of foreign courts regulates:

A) "New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards" (1958);

B) Code of Administrative Procedure of Ukraine;

C) Law of Ukraine "On recognition and enforcement of foreign court decisions in Ukraine";

D) Civil Procedure Code of Ukraine

4. Individual tasks

Individual tasks in the discipline Private International Law are performed in the form of multimedia presentations on a topic determined or chosen by the student with the help of the teacher. Individual tasks are performed by the student independently with the necessary consultations from a scientific and pedagogical worker. Cases of performance of works on complex subjects by several persons are allowed.

Creating presentations is one of the forms of scientific research work. The presentation is made using a Microsoft program Office PowerPoint and should consist of at least 15 slides. The material on the slide can be divided into main and additional. The main one must be highlighted so that when the slide is presented, it carries the main semantic load: the size of the text or object, color, special effects, order of appearance on the screen. Additional material is intended to emphasize the main idea of the slide. Different font sizes are recommended for different types of objects.

It is better to write the title of the slide in font size 22-28, the subtitle and captions of data in diagrams - 20-24, text, captions and titles of axes in diagrams, information in tables - 18-22.

To highlight the title, keywords, use a bold or underlined font. For secondary information and comments - italics. Use the same title font on all slides of the presentation.

For a good perception of the presentation from any distance in the hall, it is better to type the text in Arial, Bookman font Old Style, Calibri, Tahoma, Times New Roman or Verdana.

and last name of the student and the subject of the presentation, the number of the study group.

2. The content of the presentation is presented on the second slide.

3. On the other slides, fill the topic.

4. Abbreviations of words other than commonly used ones (UN, EU, OSCE, etc.) are not allowed in the text on the slides.

5. Slides should be abstract. To make a PowerPoint presentation clear and, if necessary, colorful, you can place various schemes, graphics, photos, drawings, collages on some slides. Inserted photos or pictures must be of high quality and of a sufficiently large size, otherwise, when stretched, they lose sharpness, which can only spoil the effect of the presentation. Sound accompaniment can be used when preparing a presentation.
6. The presentation must be prepared in the provided background (slide template). You should not make the slides too colorful and different in color. This harms the formation of unstable visual images.
7. Slides should either emphasize something or visualize the material (the same tables, diagrams, drawings with notations, if any). Do not put several blocks of visual or textual information on one slide at once. It distracts, scatters attention, impairs concentration.
8. The slide should be easy to understand - not much text on one slide.

Creating a presentation includes a number of stages:

1. Choosing a topic.

The student independently chooses a topic from the list of topics for individual research tasks. At the same time, it should be taken into account that the student has the right to independently choose the topic of the presentation, which must be agreed with the teacher, within the scope of the curriculum on public associations in Ukraine.

2. Analysis of the literature on this topic.

A presentation is an accompaniment to a report or speech, so first you need to develop the concept of the speech, and then start preparing the presentation.

Basically, the presentation should be based on materials from textbooks. Therefore, the creation of a presentation should be preceded by a thorough and in-depth study of the literature related to this topic. First of all, it is useful to get acquainted with the scientific work (or the specified chapters, paragraphs, pages) as a whole in order to get an initial general idea about it, which can be expanded by reviewing the preface, table of contents, and conclusion of the work, if there are any. The main thing at this stage is to

identify the core problems of the researched topic and make them the main points of the presentation plan.

3. Presentation of the content of the topic using slides.

In the presentation, all issues of the plan should be considered consistently. It is important to strive for the theoretical content of the work to be connected with the analysis of practical legal phenomena. The student must be able to show the practical importance of knowledge of principles, laws and categories.

When creating slides, you should not use outdated sources, which may contain erroneous views, inaccurate formulations and conclusions, outdated digital data. So, the ability to highlight the main theoretical questions and explain them on specific material, using modern literature, are the basic requirements for preparing a presentation.

Presentation evaluation criteria:

1. Degree of goal achievement. 2. Clarity and accuracy of the presentation of the author's position. 3. Individuality (authorship, uniqueness). 4. Reasonableness (persuasiveness) of the position. 5. Possession of normative, educational and scientific monographic base.

Topics of individual tasks

1. Ownership and other property rights in relation to vehicles, including merchant ships.
2. Problems of determining the statute of limitations in international private matters
3. Concept, legal regime and state guarantees of foreign investments in Ukraine.
4. Legal significance and content of bilateral international agreements on mutual protection of investments.
5. Content and types of contracts on investment activities without the creation of a legal entity.

6. The procedure for consideration of investment disputes.
7. The procedure for investing abroad by Ukrainian legal entities.
8. Concept of territorial nature of intellectual property rights.
9. The main differences between systems of international copyright protection.
10. The concept of industrial property law and its international law
11. Complex nature of legal regulation of foreign economic obligations. The ratio of private and public methods of regulation.
12. Conflicting questions of the definition of the law used to regulate the obligations of the parties arising from the foreign economic agreement.
13. International legal unification of regulation of international trade.
14. International legal unification of settlement forms under foreign economic contracts. Letter of credit and collection forms of payments.
15. Qualification of force majeure circumstances in the practice of foreign economic activity.
16. Legal regulation of transport obligations.
17. Legal regulation of international sea transportation. Merchant Shipping Code of Ukraine. International Conventions and legal customs of international maritime private law.
18. Legal regulation of international rail transportation.
19. Legal regulation of international air transportation.
20. Legal regulation of international road transportation.
21. The concept of non-contractual tort obligations with a foreign element.
22. The main types of conflict of laws used to regulate non-contractual tort obligations.
23. The conflict of laws law of Ukraine on the regulation of non-contractual tort obligations, including the norms of contracts on legal aid.
24. The main conflicting issues of inheritance in PIL.

25. Internal legislation of Ukraine on the regulation of inheritance with a foreign element.
26. The role and significance of agreements on legal assistance for the unification of legal regulation of inheritance in the PIL. Conflicting issues of conclusion and recognition of marriage.
27. Conflicting issues of regulation of personal and property rights and obligations of spouses.
28. Conflicting issues of divorce.
29. Conflicting issues of regulation of relations between parents and children. Alimony relations.
30. Conflicting issues of adoption. The procedure for the adoption of children - citizens of Ukraine by foreigners.
31. Conflicting issues of establishment and recognition of guardianship and guardianship.
32. Conflicting issues of regulation of labor relations with a foreign element.
33. Procedure and conditions of employment of foreigners in Ukraine.
34. Legislation of Ukraine on the conditions and procedure for carrying out business activities in relation to employment abroad.
35. Main interstate agreements of Ukraine in the sphere of labor activity and social protection.
36. Procedural status of citizens, legal entities and the state in a foreign court.
37. Assignment of foreign bodies of justice.
38. Recognition and enforcement of foreign court decisions.
39. Specifics of performing notarial actions in the PIL.
40. Concepts and types of foreign trade arbitration.

5. Questions for final exam

1. The concept and history of the emergence of PIL. Development of PIL science in European countries.
2. The problem of defining the subject of private international law.
3. The place of PIL in the national legal system. Correlation with other branches of national law.
4. Participation of a "foreign element" in private law relations.
5. Legal methods of influence on relations with a foreign element.
6. General characteristics of sources of Private International Law .
7. An international agreement in the system of sources of Private International Law .
8. Ukraine's participation in multilateral and bilateral agreements in the field of MFA.
9. Domestic legislation in the system of sources of Private International Law . Legislation of Ukraine in the field of private international law.
10. Importance of codification of norms of domestic law in the field of MLP, its types.
11. General characteristics of the Law of Ukraine "On International Private Law".
12. The issue of the duality of the sources of private international law. The relationship between the international agreement and the domestic legislation of the states.
13. Legal custom in the system of sources of Private International Law .
14. Judicial and arbitration practice in the PIL. Judicial precedent as a source of PIL.
15. The role of the doctrine in the system of sources of Private International Law .
16. Lex mercatoria , its place in the modern PIL.

17. Concept and meaning of unification and harmonization of Private International Law norms. International centers of unification in the field of Private International Law .

18. The concept, function and structure of the conflict rule.

19. Classification of conflict of laws rules, main classification criteria.

20. Types of collision bindings (formulas of attachment) and their scope of application.

21. Effect of conflict of laws rules in time. Interlocal conflicts in Private International Law .

22. "Flexible" attachment formulas, their role in modern PIL.

23. The principle of "closest connection" in Private International Law , its importance in conflict regulation.

24. Autonomy of the will: the essence , the difference from the conflict binding.

25. Interpretation and application of conflict of laws rules. Establishing the content of a foreign law.

26. Legal qualification in PIL. Hidden conflicts in PIL (conflict of qualifications).

27. Retrospective reference and reference to the law of a third country.

28. Bypassing the law and its legal consequences.

29. Provisions on public order: concepts, types.

30. The concept of imperative norms. Imperative norms of a foreign state in the sphere of MFA.

31. Reciprocity: concepts, types. Retorts in Private International Law .

32. General characteristics of subjects of Private International Law .

33. Personal law of a natural person: concept, content and scope of its action.

34. Conflicting issues of legal and legal capacity of foreigners.

35. Peculiarities of the legal status of stateless persons, refugees and persons in need of temporary or additional protection.

36. Peculiarities of recognition of a foreigner are limited to capable and incapacitated.

37. Conflicting issues of unknown absence and declaring a person dead in private international law.

38. Concept of personal law of a legal entity.

39. The concept of "nationality" of a legal entity in Private International Law and the doctrine of its definition.

40. Foreign legal entities in Ukraine, their admission to economic activity in Ukraine. Legal regimes regarding foreign legal entities in Ukraine, grounds for their establishment.

41. Forms of participation of foreign legal entities in economic activity in Ukraine. Representative offices and branches of foreign legal entities in Ukraine.

42. Transnational corporations and their types.

43. Peculiarities of creation and activity of offshore companies.

44. International legal entities, their legal status.

45. State participation in private law relations with a foreign element.

46. Immunity of the state in PIL. Types of state immunity, their content.

47. Basic doctrines regarding the immunity of the state in the PIL.

48. International treaties on the immunity of states.

49. Ways of expressing the state's consent to not applying immunity rules to it.

50. Norms on the immunity of a foreign state in the legislation of Ukraine.

51. Classification of things in civil law and PIL.

52. The main conflicting issues of property rights and other property rights in the modern PIL.

53. Conflicting aspects of the emergence and termination of ownership of property in transit.

54. Concept, classification of foreign investments and forms of investment activity. Legal regimes of foreign investments.

55. Features of international legal regulation of investment relations.
56. Legal regime of property of foreign states, international organizations, foreign individuals and legal entities in Ukraine.
57. Legal regime of ownership of the state of Ukraine, citizens of Ukraine and Ukrainian legal entities abroad.
58. The concept of intellectual property and its features in PIL.
59. Legal regulation of copyright protection in PIL. Main international treaties in the field of copyright protection.
60. Concept and protection of related rights in PIL. Main international treaties in the field of protection of related rights.
61. The concept and features of industrial property in PIL. International legal protection of industrial property. Concept of convention priority.
62. World intellectual property organization, its functions.
63. Protection of intellectual property rights within the framework of the WTO.
64. General characteristics of the WTO Agreement on trade aspects of intellectual property rights.
65. Deeds with a foreign element: concepts and types. The scope of the law applicable to the deed.
66. Conflict of law issues (main attachment formulas). Conflict of law bindings applicable to contractual obligations with a "foreign element".
67. The concept and form of a foreign economic agreement, the procedure for concluding it.
68. Legal regulation of the international purchase and sale of goods. The UN Convention on Contracts for the International Sale of Goods of April 11, 1980 (Vienna Convention): general characteristics and scope of application.
69. International rules of Incoterms, their scope of application.
70. Peculiarities of consumer rights protection under the consumer contract.

71. Representation, power of attorney and limitation of action in Private International Law .

72. International transport organizations and their role in the unification of legislation on international transportation.

73. Concepts, types and features of international transportation.

74. International sea transportation: concepts and types. Conflict of laws in the field of commercial shipping and unification of maritime law.

75. International rail transportation. Agreement on International Railway Transportation (KOTIF) of 1980

76. International road transport. Convention on Contracts for the International Carriage of Goods by Road (KDPV) of 1956

77. Simplification of customs procedures and creation of guarantees regarding possible damage during international road transportation.

78. International air transportation. Montreal Convention on the Unification of Certain Rules of International Air Transportation dated May 28, 1999.

79. International river transportation. Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways of June 22, 2001

80. International mixed transportation. UN Convention on International Mixed Carriage of Goods dated May 24, 1980

81. The concept and content of non-contractual obligations complicated by a "foreign element" and conflicting approaches to their regulation.

82. Conflicting issues of delict obligations.

83. Labor relations with a foreign element and sources of their legal regulation.

84. International legal regulation of labor rights. Normative activities of the International Organization of Tetanus (ILO).

85. Labor rights of migrants and foreigners in Ukraine.

86. Peculiarities of regulation of labor relations of foreigners and stateless persons working in Ukraine. Employment of foreigners in Ukraine.

87. Labor relations of Ukrainian citizens working abroad.
88. Social security in Private International Law .
89. Collision issues in the sphere of marital and family relations with the participation of a foreign element; their collision regulation.
90. Law applicable to marriage. The concept of consular marriages. Recognition of marriages concluded abroad.
91. Conflict regulation of legal consequences of marriage.
92. Conflict regulation of property and personal non-property relations of spouses. Marriage contract.
93. Conflict regulation of termination of marriage and recognition of its invalidity.
94. Conflict regulation of relations between parents and children. Establishing and contesting paternity.
95. Conflicting issues of adoption. Adoption of children of Ukrainian citizens by foreigners.
96. Custody and custody: general requirements and conflicts of law.
97. Rights and obligations of parents and children. Alimony obligations in Private International Law .
98. Conflicts of legislation in the field of inheritance.
99. Conflicting issues of inheritance by law and will in the PIL.
100. Issues of inheritance in contracts on legal aid.
101. Conflicting aspects of inheritance of movable and immovable property.
102. Protection of inheritance rights of Ukrainian citizens abroad.
103. Transfer of inheritance to the state in private international law
104. Concept of international civil process. Sources of legal regulation of civil procedural relations with a foreign element.
105. Procedural legal capacity and legal capacity of foreign persons.
106. Procedural position of the state. Judicial immunity.

107. Concepts, types and methods of determining international jurisdiction. Concept of conflict of jurisdictions.
108. Rules and grounds for determining the jurisdiction of the courts of Ukraine for cases with a foreign element. Exclusive jurisdiction.
109. Prorogation and derogation agreements.
110. International legal assistance and its types. Execution of court orders.
111. Legalization of documents. Affixing an apostille.
112. Functions of the consul regarding the performance of notarial functions. Consular legalization.
113. Recognition and execution of decisions of foreign courts. Systems of execution of decisions of foreign courts.
114. Concept and legal nature of international commercial arbitration.
115. Permanently operating arbitration courts. Consideration of disputes in arbitration ad hoc .
116. International contractual unification of commercial arbitration. International centers of commercial arbitration
117. International Regulations, UNCITRAL Model Law on International Commercial Arbitration.
118. Arbitration agreement: legal nature and types.
119. Arbitration decision. Enforcement of foreign arbitration awards. New York Convention (1958) on the Recognition and Enforcement of Foreign Arbitral Awards.
120. Grounds for refusal to recognize and enforce foreign arbitration awards.

6. Scoring scheme and evaluation criteria

Full-time education. Example for exam

Calculation formula

Total number of points: 100. Number of points per exam: 40. Number of points during the semester: 60.

Number of points for answers in seminar classes: 40

$$\sum 1$$

$$\sum 40 = \text{---} \times 8 \text{ (eight)}$$

$$\sum 2$$

Note:

$\sum 40$ is the sum of the maximum number of points

$\sum 1$ – the sum of points received by the student for answers in seminar classes.

$\sum 2$ – the number of seminar classes during the semester.

8 is the coefficient

Individual task - 10 points

Control work - 10 points.

Current CONTROL										Individual task	Control work provided by the curriculum	Together	Exam / assessment	Sum
T1	T2	T3	T4	T5	T6	T7	T8	T9	T10					
Σ 40										10	10	60	40	100

T1, T2 ... TN - topics.

The answer at the seminar is **1-5 points**.

External form of education. Example for exam

Total number of points: 100.

Number of points for the exam: 40.

Number of points during the semester: 60.

Number of points for answers in seminar classes: 10 points

Individual task (presentation preparation): 1 - 5 points (points are taken into account when calculating points for seminar classes).

Test (one per semester): 1-50 *points*.

The control work is conducted in a test format with help in the classroom, or with the help of google forms or on the Moodle platform .

50 test questions are sent to the student. Each correct answer is valued at one point.

Current control and independent work											Togethe r	Exa m	Su m
											60	40	100
T 1 5	T 2	T 3	T 4	T 5	T 6	T 7	T 8	T9- T1 0	Contro l work	Individua l task			
5 50										5			

T1, T2 ... T12 - topics.

Rating scale

The sum of points for all types of educational activities during the semester	Evaluation on a national scale
90 - 100	perfectly
70-89	fine
50-69	satisfactorily
1 - 49	unsatisfactorily

Evaluation criteria for an oral answer.

Current control is carried out, in particular, in the form of a survey and verification of the results of performances at seminars and practical classes in a five-point rating scale.

5 points placed under the following conditions:

- the student works actively during the entire practical session;
- gives a complete, correct, consistent, coherent, well-founded presentation of the issue, accompanied by correct examples from doctrinal sources and a reference to current legislation;
- everything that is taught should indicate a deep understanding and orientation in the phenomena and processes being studied;
- correct comprehensive answers to the teacher's additional questions.

4 points are given under the following conditions:

- the student works actively during the practical session;
- gives a correct, complete description of the content of the textbook and the material presented by the teacher, but answers additional control questions that the teacher asks to clarify the depth of understanding and the ability to navigate phenomena and processes, only with some help from the teacher or colleagues;
- insufficiently comprehensive answers to the teacher's additional questions.

3 points placed under the following conditions:

- the student behaves passively during class, responds only when called upon by the teacher;
- in general demonstrates knowledge of the main educational material under consideration, but makes mistakes during the answer and becomes aware of them only after the instruction of the teacher;
- does not give answers to questions immediately, but only after some strain of memory, and the answers are unclear;
- unable to derive the relationship with other problems of the studied discipline without the help of a teacher;

2 points are given under the following conditions:

- makes significant mistakes or completely misses the material and partially corrects these mistakes only after the instruction of the teacher;
- the student shows ignorance of a significant part of the educational material, explains it illogically and uncertainly, there are pauses and interruptions in the answer, he cannot explain the problem, although he understands it;

- does not present the material sufficiently coherently and consistently.

1 point is given under the following conditions:

- the student makes gross mistakes when presenting the material and does not correct these mistakes even when the teacher points them out;
- reveals a lack of understanding of the educational material and, as a result, a complete lack of skills both in the analysis of phenomena and in the subsequent performance of practical tasks.

7. Recommended literature

Normative and legal acts

1. On private international law: Law of Ukraine dated June 23, 2005. Official release of Ukraine. – 2005. No. 29. Art. 1694.
2. On international treaties of Ukraine: Law of Ukraine dated June 29, 2004 officer release of Ukraine. 2004. No. 35. Art. 2317.
3. On agreements on the distribution of products: Law of Ukraine dated September 14, 1999 No. 1039- XIV Department. Verkhov. Council of Ukraine. 1999. No. 44. Art. 391.
4. On the legal status of foreigners and stateless persons: Law of Ukraine dated September 22, 2011. Verkhov. Council of Ukraine. 2012. No. 19-20. Art. 179.
5. Merchant Shipping Code of Ukraine dated 05/23/1995 // Official Gazette. Verkhov. Council of Ukraine. 1995. No. 47-52. Art. 349.
6. UN Convention on Jurisdictional Immunities of States and Their Property dated 02.12.2004 URL: http://zakon2.rada.gov.ua/laws/show/995_e50 Provisions on

- the Inheritance Register URL: http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=994_678
7. European Convention on State Immunity (ETS No. 74) dated 16.05.1972. URL: http://zakon2.rada.gov.ua/laws/show/994_060 International Convention on the Unification of Certain Rules on Arresting Sea Vessels dated 10.05. 1952 [Electron. resource]. – Access mode: http://zakon2.rada.gov.ua/laws/show/995_g89
 8. On the Procedure for the protection of the rights and interests of Ukraine during the settlement of disputes, consideration in foreign jurisdictions of cases involving a foreign entity and Ukraine: Decree of the President of Ukraine dated June 25, 2002 No. 581/2002 Government . courier 2002. No. 118.
 9. UN Convention on the Carriage of Goods by Sea dated March 31, 1978. URL : http://zakon3.rada.gov.ua/laws/show/995_391
 10. International Convention on the Unification of Certain Rules on Bills of Lading dated August 25, 1924. URL : http://zakon2.rada.gov.ua/laws/show/995_221
 11. UN Convention on the Carriage of Goods by Sea dated March 31, 1978. URL : http://zakon3.rada.gov.ua/laws/show/995_391
 12. The Athens Convention on the Carriage of Passengers and Their Baggage by Sea of 1974 and the Protocol of 1976 to it Ofic. release of Ukraine. 2007. No. 61. Art. 2436.
 13. Agreement on International Railway Transportation (KOTIF) dated 05/09/1980, ratified by Ukraine on 03/05/2003. URL : <http://zakon2.rada.gov.ua/laws/show/943-15> Agreement on international rail freight traffic (UMVS) dated November 1, 1951 [Electronic. resource]. – Access mode: http://zakon1.rada.gov.ua/laws/show/998_011
 14. Agreement on International Passenger Transport (UMPS) dated November 1, 1951. URL : http://zakon1.rada.gov.ua/laws/show/998_014

15. Convention on the contract of international carriage of goods by road (KDPV) dated May 19, 1956, ratified by Ukraine on August 1, 2006. URL: http://zakon3.rada.gov.ua/laws/show/995_234
16. Customs Convention on the International Carriage of Goods Using the TIR Carnet (TIR Convention) dated 11/14/1975. Official. release of Ukraine. 2007. No. 3. Art. 138.
17. Montreal Convention on the Unification of Certain Rules of International Air Transportation dated August 25, 1999, ratified by Ukraine on December 17, 2008. URL: http://zakon2.rada.gov.ua/laws/show/995_594
18. Chicago Convention on International Civil Aviation of December 7, 1944, ratified by Ukraine on August 10, 1992. URL: http://zakon2.rada.gov.ua/laws/show/995_038
19. Warsaw Convention for the Unification of Certain Rules Relating to International Air Transport dated 12.10.1929 URL: http://zakon2.rada.gov.ua/laws/show/995_181
20. Budapest Convention on the Contract for Carriage of Goods by Inland Waterways dated June 22, 2001. URL: http://zakon1.rada.gov.ua/laws/show/995_998
21. UN Convention on International Mixed Carriage of Goods dated May 24, 1980. URL : http://zakon3.rada.gov.ua/laws/show/995_189
22. Statute of the International Labor Organization URL : http://zakon.council.gov.ua/cgi-bin/laws/main.cgi?nreg=993_154
23. On refugees and persons in need of additional or temporary protection: Law of Ukraine dated July 8, 2011 Known Verkhov. Council of Ukraine. – 2012. No. 16. Art. 146.
24. European Convention on Adoption of Children dated 27.11.2008. URL : Access mode: http://zakon4.rada.gov.ua/laws/show/994_a17

25. Convention on Conflicts of Laws Relating to the Form of Wills (On Accession to the Convention with Reservations. See: Law No. 1772- VI (1772-17) dated 12.17.2009). URL : // law . council gov . ua / go /995_424
26. Convention on the introduction of the system of registration of wills, ratified with a reservation in accordance with Law No. 2490- VI dated 07.10.2010. URL : http :// zakon 1. rada . gov . ua / cgi - bin / laws / main . cgi ? nreg =994_678

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1. Beloglavek O. International contract law. O. Beloglavek. K, Taxon, 2000. 270 p.
2. Boyarska, Z.I.. International commercial law: educational and methodological guide for independent study of the discipline. Z. I. Boyarska; Ministry of Education and Science of Ukraine, KNEU. K, KNEU, 2006. 196 p.
3. Vasylchenko V.V. Scientific and practical commentary on the Law of Ukraine "On International Private Law". K.: Istyna, 2007. 200 p.
4. Vyshnovetska S. V., Korneev Yu. V. International private law: teaching. manual / S. V. Vyshnovetska, Yu. V. Korneev. K. Center for educational literature, 2019. 164 p.
5. Dakhno I. I. [Private International Law](#) : teaching. manual. K. MAUP, 2001. 312 p.
6. Dmitriev A. I. International public law: teaching. manual. A. I. Dmitriev, V. I. Muravyov; resp. ed.: Yu. S. Shemshuchenko, L. V. Gubernskiy. K.: Yurinkom Inter, 2000. 640 p.
7. Kylymnyk I. I. International private law: teaching. manual. I. I. Kylymnyk, A. M. Brovdiy; Kharkiv. national city university farm named after O. M. Beketova; Kharkiv: XNUMX named after O. M. Beketova, 2018. 111 p.
8. V. Kysil. International legal unification in the regulation of the main issues of international commercial arbitration / V. Kysil, M. Prykhodmo. coll. decisions

- and arbitration. practices of the Higher arbitration. court of Ukraine. 1995. No. 2. P. 218-225 .
9. [Private International Law](#) . General part: textbook / edited by A.S. Dovgert and V. I. Kisil. K.: Alerta, 2012. 376 p.
 10. International private law, ed. Kuzmenka S.H. K.: Center of Educational Literature, 2010. 316p.
 11. International private law: a textbook / edited by A. S. Dovgert and V. I. Kisil. 2nd edition. K. Alerta, 2014. 656 p.
 12. Fedyniak H.S. Fedyniak L.S. International private law: a textbook. K.: Alerta, 2017. 504p.
 13. Yuldashev O. Kh. [Private International Law](#) : theoretical and applied aspects. K.: MAUP, 2004. 576 p.
 14. Chubarev V. L. International Private. law: education manual. K.: Atika, 2006. 608 p.

Supporting literature

1. Mykhailiv M. O. Peculiarities of conflict regulation of property rights and other property rights in Private International Law . *Law of Ukraine* . 2013. No. 7. P. 71-81 .
2. Rozgon O. V. Some conflicting issues of regulation of inheritance relations with a foreign element. *Bulletin of Kharkiv National University named after V. N. Karazina* . 2009. No. 872: Series "Law", Vol. 6. P. 104–108.
3. Khachatryan V. Conflicting issues of legal regulation of property relations in the context of legal aid contracts. *Entrepreneurship, economy and law* . 2005. No. 1. P. 39-42 .
4. Khristenko N. Origin of property rights in international law. *Entrepreneurship, economy and law* . 2009. No. 3. P. 148–150.

5. Shupinska O. Conflict regulation of property relations in Private International Law of some countries of the European Union. *Law of Ukraine* . 2007. No. 12. P. 130-134 .
6. Shupinska O. Formation of the institution of property rights in Private International Law . *Law of Ukraine* . 2006. No. 7. P. 127–130.

11. Links to information resources on the Internet, video lectures, other methodical support

1. [Website of the Verkhovna Rada of Ukraine www . law 1. Council . gov . u.a.](http://www.law1.council.gov.ua)
2. [National Library of Ukraine named after V. I. Vernadskyi www . nbuv . gov . u.a](http://www.nbuv.gov.ua)
3. Kyiv Central City Public Library named after Lesya Ukrainka [http :// lucl . lucl . kiev u.a](http://lucl.lucl.kiev.ua)
4. Central Scientific Library of Kharkiv National University named after V.N. Karazin [http :// www . university kharkov u.a](http://www.university.kharkov.ua)
5. Kharkiv State Scientific Library named after V.G. Korolenko [http :// korolenko.kharkov com](http://korolenko.kharkov.com)

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Воронов Кирил Маркович

МІЖНАРОДНЕ ПРИВАТНЕ ПРАВО: МАТЕРІАЛИ ДО СЕМІНАРСЬКИХ ЗАНЯТЬ

(Англ. мовою)

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