

Course Introduction to International Business Law

by Cynthia Vloon-Weultjes LL.M
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Step up to Saxion.



Lecture 1 Topics

- Introduction
 - Expectations of the participants
 - Objectives of the course + exam
- Short Introduction to International Private Law (IPL)
- Introduction to European Union Law
- The European Court of Justice (ECJ) and Preliminary rulings
- Homework

International Private Law

- Characteristics:
 - solving legal problems arising out of different legal systems that apply to international relationships
 - providing a set of rules to either decide on the matter or refer the litigating parties to a national legal system
- Dealing with three main issues
 - Which body of law is applicable?
 - Which court of law has jurisdiction?
 - Can a court decision be executed in another country?

Introduction to European Union Law

- Legal system of the EU
 - Treaty of the Functioning of the European Union = TFEU
 - Regulations
 - Directives
 - Decisions
 - Case law of ECJ

Introduction to European Union Law 2

- Supremacy of EU law (Costa vs. ENEL)
- Distinction between
 - Directly *applicable* EU law—> immediately effects the legal system of the Member States (MS) –art.288 TFEU
 - Directly *effective* EU law—> individuals of MS

Introduction to European Union Law 3

- Only ECJ decides on direct effectiveness (Van Gend & Loos case) ->
 - Provision is clear + unambiguous
 - Provision must be unconditional
 - Provision must take effect without further acts of EU or MS

ECJ & Preliminary rulings

- Art. 267 TFEU
- Requirements:
 - Any *Court* and *tribunal* is allowed to..
 - No juridical remedy under national law
 - Necessity of the ruling in order to enable the national court to give judgment (Cilfit case)

Homework

- **Exercise 1 Chapter 1**