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**Federal State Autonomous Educational Institution of Higher Education
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
named after Patrice Lumumba**

LAW INSTITUTE

educational division (faculty/institute/academy) as higher education programme developer

COURSE SYLLABUS

**PRIVATE INTERNATIONAL LAW ISSUES IN THE FIELD OF
TRANSNATIONAL INSOLVENCY**

course title

Recommended by the Didactic Council for the Education Field of:

40.04.01 JURISPRUDENCE

field of studies / speciality code and title

**The course instruction is implemented within the professional education programme
of higher education:**

INTERNATIONAL PRIVATE LAW

higher education programme profile/specialisation title

1. COURSE GOAL(s)

The goal of the course «Private International Law Issues in the Field of Transnational Insolvency» is to prepare students seeking a master's degree in law for understanding and practical application of the fundamental rules of transnational (cross-border) insolvency (bankruptcy).

The objectives of the course are:

- to define the scope and practical application of the body of rules known as transnational (cross-border) insolvency (bankruptcy) law [hereinafter – TIL];
- to define the conceptual framework of TIL:
 - a. the characteristics of TIL as “law”;
 - b. the meaning of “transnational” in the term “transnational (cross-border) insolvency (bankruptcy) law”;
 - c. the meaning of “insolvency and/or bankruptcy” in the term “transnational (cross-border) insolvency (bankruptcy) law”;
- to identify the subject matter of public relations regulated by TIL;
- to establish the method by which TIL relations are regulated and its differences from the methods of regulating procedural (litigation) law relations and those of a civil law nature;
- to identify the normative structure of TIL: conflict of laws (structure and types), substantive law rules, procedural rules, and types of references in transnational insolvency (bankruptcy) law;
- to provide a concept of transnational (cross-border) insolvency (bankruptcy) law that incorporates the so-called “foreign element” and to define the term “transborder/transboundary”;
- to provide a concept and identify types of conflicts (collisions) in transnational (cross-border) insolvency (bankruptcy) law, demonstrating how such conflicts are resolved in practice and the role of the definitions “national (domestic) legislation” and “foreign jurisdiction”;
- to determine the possibility of applying judicial acts of a foreign state that have prejudicial effect in insolvency proceedings;
- to present the basic principles of TIL today in the historical context of their origin and development;
- to characterize the sources and subject composition of TIL;
- to demonstrate that TIL constitutes a complete and unique intersystemic body of law;
- to describe the history and evolution of views on the necessity and inevitability of applying foreign law to regulate TIL relations;
- to identify the current status and prospects for the development of transnational (cross-border) insolvency (bankruptcy) law in the context of globalization.

2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the course (module) «Private International Law Issues in the Field of Transnational Insolvency» intends to train and guide students to achieve the development of following competences (competences in part):

Table 2.1. List of competences that students acquire through the course study

Competence code	Competence descriptor	Competence formation indicators (within this course)
UC-7	UC-7. Able to: search for the necessary sources of information and data, perceive, analyze, memorize and transmit information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; evaluate information, its reliability, build logical conclusions based on incoming information and data	UC-7.1. Searches for the necessary sources of information and data, perceives, analyzes, memorizes and transmits information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; UC-7.2. Evaluates information, its reliability, builds logical conclusions based on incoming information and data.
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution	GPC-1.1. Possesses general and special knowledge to identify and resolve non-standard situations (situations in which uniform approaches to the application of the law have not been formed) in law enforcement practice; GPC-1.2. Analyzes non-standard situations in law enforcement practice, including identifying legal and other causes and/or conditions for their occurrence; GPC-1.3. Develops optimal options for solving non-standard situations of law enforcement practice, taking into account possible legal consequences and draws up these decisions in the form prescribed by law.
GPC-2	GPC-2. Able to independently prepare expert legal opinions and conduct an examination of normative (individual) legal acts	GPC-2.1. Knows the rules for preparing expert legal opinions and the rules for conducting an examination of normative (individual) legal acts; GPC-2.2. Able to independently conduct a legal examination of normative (individual) legal acts; GPC-2.3. Possesses the skills of preparation and execution of expert legal opinions and expert examinations of normative (individual) legal acts.
GPC-3	GPC-3. Able to competently interpret legal acts, including in situations where there are gaps and conflicts of law	GPC-3.1. Knows the essence and specifics of the ways and methods of interpreting legal acts, ways to eliminate gaps and conflicts in law; GPC-3.2 Has the skills to interpret legal acts, including in situations where there are gaps and conflicts of law GPC-3.3 Gives qualified explanations on the content and application of the law
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes	GPC-4.1. Knows the content of basic and specific legal concepts, terms and definitions, is able to use them to build an oral and written position on a specific legal problem; GPC-4.2. Able to argue in writing and orally the legal position on the case, including taking into account the principle of adversarial proceedings; GPC-4.3. Possesses the skills of drafting legal documents on the case and the skills of public speaking with the argumentation of the position for the professional conduct of polemics in the trial.

Competence code	Competence descriptor	Competence formation indicators (within this course)
GPC-5	GPC-5. Able to independently draw up legal documents and develop drafts of normative (individual) legal acts	GPC-5.1. Possesses general and specific legal knowledge necessary for the preparation of legal documents for various purposes and the development of draft normative (individual) legal acts; GPC-5.2. Independently draws up legal documents and develops drafts of normative (individual) legal acts GPC-5.3. Possesses skills in drafting legal documents and drafting normative (individual) legal acts in accordance with the profile of his professional activity
GPC-7	GPC-7. Able to apply information technologies and use legal databases to solve problems of professional activity, taking into account the requirements of information security	GPC-7.1. Knows the basic information technologies and legal bases for solving problems in various areas of legal activity; GPC-7.2. Applies information technologies and uses legal databases to solve the problems of professional activity, taking into account the requirements of information security; GPC-7.3. Owns the skills of information service and data processing to solve the problems of professional activity, taking into account the requirements of information security.
PC-3	PC-3. Able to skillfully apply the norms of substantive and procedural law in specific areas of legal activity	PC-3.1. Knows the specifics of legal regulation and law enforcement practice in specific areas of legal activity; PC-3.2. Correctly establishes legal facts, as well as facts and circumstances of legal significance, carries out their comprehensive analysis, taking into account the specifics of the evidence process in specific areas of legal activity; PC-3.3. Correctly carries out legal qualification, correctly and reasonably applies the norms of substantive and procedural law in professional activities; PC-3.4. Takes a law enforcement decision in the form prescribed by law in compliance with its sectoral affiliation, requirements for the structure, procedure for adoption and competence of the subject of law enforcement.
PC-4	PC-4. Able to provide qualified legal advice in specific areas of legal activity	PC-4.1. Knows the specifics and methodology of consulting in specific areas of legal activity; PC-4.2. Provides qualified advice in specific areas of legal activity; PC-4.3. Possesses the skills of legal consulting in specific areas of legal activity

3.COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

The course refers to the elective component of (B1) block of the higher educational programme curriculum.

Within the higher education programme students also master other (modules) and / or internships that contribute to the achievement of the expected learning outcomes as results of the course study.

Table 3.1. The list of the higher education programme components/disciplines that contribute to the achievement of the expected learning outcomes as the course study results

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
UC-7	UC-7. Able to: search for the necessary sources of information and data, perceive, analyze, memorize and transmit information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; evaluate information, its reliability, build logical conclusions based on incoming information and data	Comparative Law Research / Current Issues of Private International Law / International Commercial Arbitration and Other ADR / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Cross-Border Mergers and Acquisitions	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution	Philosophy of Law / History and Methodology of Legal Science / Comparative Law Research / Current Issues of Private International Law / International Commercial Arbitration and Other ADR / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Civil Procedural Law and Private International Law In The European Union: Issues of Unification /	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-2	GPC-2. Able to independently prepare expert legal opinions and conduct an examination of normative (individual) legal acts	Comparative Law Research / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
		Civil Procedural Law and Private International Law In The European Union: Issues of Unification /	
GPC-3	GPC-3. Able to competently interpret legal acts, including in situations where there are gaps and conflicts of law	Philosophy of Law / Comparative Law Research / Current Issues of Private International Law / International Commercial Arbitration and Other ADR / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Civil Procedural Law and Private International Law In The European Union: Issues of Unification /	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes	Philosophy of Law / Current Issues of Private International Law / International Commercial Arbitration and Other ADR / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / и практический аспект Civil Procedural Law and Private International Law In The European Union: Issues of Unification /	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-5	GPC-5. Able to independently draw up legal documents and develop drafts of normative (individual) legal acts	Comparative Law Research / International Commercial Arbitration and Other ADR / Law Applicable to Cross-Border Contractual Obligations / обязательствам Cross-Border Transactions: Legal and Practical Aspect / Civil Procedural Law and Private International Law In	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
		The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Law of International Banking Transactions /	
GPC-7	GPC-7. Able to apply information technologies and use legal databases to solve problems of professional activity, taking into account the requirements of information security	History and Methodology of Legal Science / Comparative Law Research / International Commercial Arbitration and Other ADR Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Гражданское процессуальное право и международное частное право в Европейском союзе: вопросы унификации Legal Regulation of Transactions with Foreign Assets / Law of International Trade /	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
PC-3	PC-3. Able to skillfully apply the norms of substantive and procedural law in specific areas of legal activity	Current Issues of Private International Law / International Commercial Arbitration and Other ADR / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Law of International Trade	Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
PC-4	PC-4. Able to provide qualified legal advice in specific areas of legal activity	International Commercial Arbitration and Other ADR /	Research Work / Academic Practice and Legal Consulting

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
		Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Civil Procedural Law and Private International Law In The European Union: Issues of Unification /	and Scientific Research Internship /

* To be filled in according to the competence matrix of the higher education programme.

4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total workload of the course is 3 credits (108 academic hours)

Table 4.1. Types of academic activities during the periods of higher education programme mastering (**full-time training**) *

Type of academic activities	Total academic hours	Semesters/training modules
		3/6
<i>Contact academic hours</i>	32	32
including:		
Lectures (LC)		
Lab work (LW)		
Seminars (workshops/tutorials) (S)	32	32
<i>Self-studies</i>	49	49
<i>Evaluation and assessment (exam/passing/failing grade)</i>	27	27
Course workload	academic hours	3
	credits	108

* To be filled in regarding the higher education programme part-time training mode.

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

Course module title	Course module contents (topics)	Academic activities types
1. The Concept and Purposes, Subject and	General characteristics of comparative law.	S

Course module title	Course module contents (topics)	Academic activities types
Method of Insolvency (Bankruptcy) Law	The concept of insolvency (bankruptcy) law as a complex discipline: subject and method. Insolvency (bankruptcy) law in the system of legal branches. Insolvency and bankruptcy: cash-flow insolvency and balance-sheet insolvency.	
2. The History of the Development of the Legal Institution of Insolvency (Bankruptcy) in Russia and Foreign Countries	Stages in the development of insolvency (bankruptcy) law in different states. The evolution of civil and procedural relations and the improvement of rules regulating insolvency (bankruptcy). Comparative analysis of modern world systems of insolvency (bankruptcy) legislation.	S
3. Transnational (Cross-Border) Insolvency (Bankruptcy) as an Institution of Private International Law	The concept of transnational (cross-border) insolvency (bankruptcy). Conflicts and national legal regulation of transnational (cross-border) insolvency (bankruptcy). The competence of jurisdictional authorities.	S
4. Normative Framework of Legal Regulation of TIL	International legal cooperation in cases of transnational (cross-border) insolvency (bankruptcy) and the UNCITRAL Model Law (1997). The European model of transnational (cross-border) insolvency (bankruptcy): conventions and recommendations. Regulatory acts of regional international legal coordination in cross-border insolvency (bankruptcy).	S
5. Applicable Law and Determining Jurisdiction in TIL	Principles of legal regulation of transnational (cross-border) insolvency (bankruptcy) proceedings. Applicable law in transnational (cross-border) insolvency (bankruptcy). Issues of jurisdiction in cases of transnational (cross-border) insolvency (bankruptcy).	S
6. Current Issues in TIL: Theoretical and Practical Aspects	The presumption of incorporation, domicile, and the definition of the debtor's centre of main interests (COMI). The concepts of "universal proceeding" and "parallel territorial proceedings." Recognition and enforcement of foreign court decisions in transnational (cross-border) insolvency (bankruptcy).	S

* - to be filled in only for full -time training: LC - lectures; LW - lab work; S - seminars.

6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 6.1. Classroom equipment and technology support requirements

Type of academic activities	Classroom equipment	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
Lecture	A lecture hall for lecture-type classes, equipped with a set of specialised furniture; board (screen) and technical means of multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Lab work	A classroom for laboratory work, individual consultations, current and mid-term assessment; equipped with a set of specialised furniture and machinery.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Seminars	A classroom for conducting seminars, group and individual consultations, current and mid-term assessment; equipped with a set of specialised furniture and technical means for multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Computer Lab	A classroom for conducting classes, group and individual consultations, current and mid-term assessment, equipped with personal computers (in the amount of 30 pcs), a board (screen) and technical means of multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Self-studies	A classroom for independent work of students (can be used for seminars and consultations), equipped with a set of specialised furniture and computers with access to the electronic information and educational environment	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Courtroom	A classroom for court hearing simulation equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome

* The premises for students' self-studies are subject to MANDATORY mention

7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

1. Hannan N. Cross-Border Insolvency: The Enactment and Interpretation of the UNCITRAL Model Law. Springer, 2017. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-981-10-5876-9.pdf>
2. Hajjiri T., Cohen A. Global Insolvency and Bankruptcy Practice for Sustainable Economic Development. – Palgrave Macmillan, 2016 URL: <https://rd.springer.com/content/pdf/10.1057%2F9781137515759.pdf>
3. Chun C. Cross-Border Transactions of Intermediated Securities. – Springer, 2012. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-3-642-27853-2.pdf>
4. Heidemann M. Methodology of Uniform Contract Law: The UNIDROIT Principles in the International Legal Doctrine and Practice. – Springer, 2007. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-3-540-44462-6.pdf>

Additional (optional) reading (sources):

1. European Convention on certain international aspects of bankruptcy 1990 г.// Consultant plus / <https://docplayer.net/19807550-European-convention-on-certain-international-aspects-of-bankruptcy.html>
2. European Union Convention on cross-border insolvency 1995 г. //Consultant plus
3. The UNCITRAL practical guide to cross-border insolvency cooperation. United Nations, New York, 2010г. //URL: https://www.uncitral.org/pdf/russian/texts/insolven/Practice_Guide_Ebook_russian.pdf
4. Regulation of the European Parliament on insolvency procedures no 1346/2000// URL: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32000R1346>
5. Kouladis N. Principles of Law Relating to International Trade. – Springer, 2006. //URL: <https://rd.springer.com/content/pdf/10.1007%2F0-387-30699-4.pdf>
6. Parkinson M. M. Corporate Governance in Transition: Dealing with Financial Distress and Insolvency in the UK Companies. – Palgrave Macmillan, 2018. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-3-319-77110-6.pdf>
7. Twigg-Flesner C. A Cross-Border-Only Regulation for Consumer Transactions in the EU. - Springer, 2012. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-1-4614-2047-7.pdf>
8. Guide to bankruptcy. The Insolvency Service // URL: <https://www.gov.uk/government/collections/bankruptcy-and-insolvency-forms>
9. Bankruptcy. Portugal. European Judicial Network in civil and commercial matters. European Commission. Электронный ресурс. режим доступа - // https://ec.europa.eu/civiljustice/bankruptcy/bankruptcy_ec_en.htm
10. UNCITRAL Model Law on Transnational (Cross-Border) Insolvency. United Nations publication. Sales No.: R.99.V.3. 1999. <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/insolvency-e.pdf>
11. United Kingdom Insolvency Act 2000. International Laws on bankruptcy and insolvency. 2008. <http://www.legislation.gov.uk/ukpga/2000/39/contents>

Internet sources:

1. 1. Electronic libraries (EL) of RUDN University and other institutions, to which university students have access on the basis of concluded agreements:
 - RUDN Electronic Library System (RUDN ELS) <http://lib.rudn.ru/MegaPro/Web>

- EL "University Library Online" <http://www.biblioclub.ru>
- EL "Yurayt" <http://www.biblio-online.ru>
- EL "Student Consultant" www.studentlibrary.ru
- EL "Lan" <http://e.lanbook.com/>
- EL "Trinity Bridge"

1. United National Commission on International Trade Law (UNCITRAL): <http://www.uncitral.org/uncitral/en/index.html>;
2. International Institute For The Unification of Private Law (UNIDROIT): <http://www.unidroit.org/dynasite.cfm>;
3. Introduction to the Principles of European Contract Law, with further bibliographic references: <http://www.cisg.law.pace.edu/cisg/text/peclintro.html>;
4. Joint network on European Private Law, with further links: <http://www.copecel.org>.

2. Databases and search engines:

- electronic foundation of legal and normative-technical documentation <http://docs.cntd.ru/>
- Yandex search engine [https:// www .yandex.ru/](https://www.yandex.ru/)
- Google search engine <https://www.google.ru/>
- Scopus abstract database <http://www.elsevier.com/locate/scopus/>

*Training toolkit for self- studies to master the course *:*

1. The set of lectures on the course _____
2. The laboratory workshop (if any) on the course _____
3. The guidelines for writing a course paper / project (if any) on the course _____.

* The training toolkit for self- studies to master the course is placed on the course page in the university telecommunication training and information system under the set procedure.

8. ASSESSMENT TOOLKIT AND GRADING SYSTEM* FOR EVALUATION OF STUDENTS' COMPETENCES LEVEL UPON COURSE COMPLETION

The assessment toolkit and the grading system* to evaluate the competences formation level (competences in part) upon the course study completion are specified in the Appendix to the course syllabus.

* The assessment toolkit and the grading system are formed on the basis of the requirements of the relevant local normative act of RUDN University (regulations / order).

DEVELOPERS:

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