



### Summer School on Business Law

**Scientific Instructor:** prof. Francesca C. Villata

**N. hours:** 20 hours

**Maximum number of participants:** 40

**N. credits:** 3: SIE and IPLE for "others formative activities" (art. 10 co. 5 lett. d. DM 270/2004); REL under "elective credits" (art. 10 co. 5 lett. a. DM 270/2004).

**Access:** the workshop is open to students currently enrolled in the Bachelor programme in *Scienze internazionali e istituzioni europee* and in *International Politics, Law and Economics*, and in the Master programme in *Relazioni internazionali*. **Very good command of English, both writing and speaking is required as the workshop will be held entirely in English**

**How credits will be recognized:** participation to the lessons in **three interactive lessons are compulsory**, which includes also **preparatory activities** described in the programme (in particular see more detailed programmes of the single interactive lessons attached).

**Training Objectives:** The main objective is to give the possibility to the students to explore the **current trends of international investment law, international relations, dispute settlement, contract law and family law** through an **experiential workshop** combining several **innovative pedagogy methodologies** entailing a **high level of interaction among participants**, which consist in traditional frontal lectures and student-centred learning focusing on development of personalised learning pathway of each student, triggering their curiosity and engaging them in active learning by means of **practical simulation exercises, moot courts, drafting technique tools** etc. The students will have also the opportunity to increase their **multidisciplinary skills** in the area of information technology, business administration and conflicts management.

**Course organization:** The University of Milan is managing the project "From diversities to Unity through Coordination (EU-DUC)", in collaboration with the University of Heidelberg (Germany), the Charles University of Prague (Czech Republic) and the University of Warsaw (Poland), within the framework of the 1st Call for joint educational proposal promoted by the **4EU+ European University Alliance**.

The workshop is offered to the students of 4EU+ universities and is articulated in **3-days meetings of total 20 hours**. Some meetings will be further sub-divided in shorter modules, e.g. frontal non-interactive lessons of 1 hour and interactive modules of 2-4 hours.

One month ahead of the workshop, the students will be divided into **working-groups** and they will be requested to prepare for the activities described in the programme (in particular see more detailed programmes of the single interactive lessons attached). Only active students of 4EU+ Universities, which will be involved in all 3 interactive lessons (including all previous preparatory activities) and which will be positively evaluated by the lecturers responsible for each interactive module, will have possibility of final recognition of 3 ECTS. The students will be requested to indicate the order of preference between all 5 interactive modules upon registration. Although every effort shall be made to accommodate each participant's preferential choices, the organizer reserves the right to assign students to any interactive module among the 5 scheduled, depending on the number of participants who expressed their preferences for each module.

The **first meetings of the working-groups** of each interactive module are scheduled as from **16 May until 15 June** (see programme attached), where **tasks, readings, scenarios and roles** will be distributed among the participants and explained by the lecturers. Additional meetings of the working-groups may be requested by the lecturers. The last meeting will be "embodied" into the workshop - during the workshop, the working-groups will be invited to **present their results**. At the end of the presentations, the groups might be peer-assessed.

#### **Tentative agenda:**

**16 May – 23 May 2021: division into working-groups - online (see programmes of five modules with the exact dates access codes)**  
**24 May – 15 June 2021: additional meetings of working-groups - online (see programmes of five modules with the exact dates access codes)**

**16 June 2021, 9.15-17.15: workshop and plenary students' presentations - online/blended (tbc) workshop (Zoom platform or Università degli Studi di Milano, Via Festa del Perdono 7, Room 201)**

**17 June 2021, 9.15-17.15 – workshop and plenary students' presentations - online/blended (tbc) workshop (Zoom platform or Università degli Studi di Milano, Via Festa del Perdono 7, Room 201)**

**18 June 2021, 9.15-17.15 – workshop and plenary students' presentations - online/blended (tbc) workshop (Zoom platform or Università degli Studi di Milano, Via Festa del Perdono 7, Room 201)**

The final agenda with more details about each session will be shared with the selected participants prior to 16 May.

**Registration:** those interested in Summer School will be requested to indicate that they intend to attend the Summer School in the form of "active students" on [Eventbrite](https://www.eventbrite.it/e/summer-school-on-eu-business-law-tickets-148895527531) <https://www.eventbrite.it/e/summer-school-on-eu-business-law-tickets-148895527531> and must submit their CV, a motivation statement and indicate the order of preference between 5 interactive modules to prof. Francesca C. Villata ([euduc@unimi.it](mailto:euduc@unimi.it)) from 15 April 2021 until 16 May 2021.



UNIVERSITÀ DEGLI STUDI DI MILANO  
DIPARTIMENTO DI STUDI INTERNAZIONALI,  
GIURIDICI E STORICO-POLITICI



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In partnership with  
the Bar council of  
Milan EU Law  
Committee



ORDINE DEGLI  
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Participants shall  
register at  
<https://www.eventbrite.it/e/summer-school-on-eu-business-law-tickets-148895527531>

The event is free of  
charge and it is  
accredited by Bar  
council of Milan  
(\_ credits).

For more information:  
<https://4euplusduc.ariel.ctu.unimi.it> (in order to  
access to Ariel, please  
register first at:  
<https://elearning.unimi.it/authentication/skin/ariel/2/CreateUser.aspx?url=https://4euplusduc.ariel.ctu.unimi.it:443/v5/home/Default.aspx>

Contact:  
[eueduc@unimi.it](mailto:eueduc@unimi.it)

## OVERCOMING CHALLENGES, ADDRESSING CONFLICTS, SETTLING DISPUTES

### SUMMER SCHOOL ON EU BUSINESS LAW

16-18 June 2021

Online/blended (tbc) workshop (Zoom platform)  
Venue: Università degli Studi di Milano  
Via Festa del Perdono 7, Room 201

#### 9.30 Welcoming Addresses

**Antonella Baldi**, Prorector for International Affairs at University of Milan  
**Ilaria Viarengo**, Head of Department of International, Legal, Historical and Political Studies Professor of International Law at University of Milan  
**Francesca C. Villata**, EU-DUC Coordinator, Professor of International Law at University of Milan

#### 10.00 Opening Lecture: Business and Human Rights in global Supply Chains

**Marc-Philippe Weller**, Vice-rector for International Affairs, Professor of Civil Law, Commercial Law, Private International Law, Comparative Law at Heidelberg University

#### 10.30 Coffee Break

#### 10.45 Foreign Direct Investments and EU-China Relations: Policies and Media Discourse

##### Interactive lesson\*

**Simone Dossi**, Assistant Professor of International Relations at University of Milan  
**Bettina Mottura**, Associate Professor of Chinese Language and Culture at University of Milan

The China factor is playing an increasingly important role in orienting the European Union's policy on foreign direct investments. The aim of the workshop is to locate such policy in the context of EU-China relations based on the analysis of relevant policy documents and Chinese journalistic texts. Ahead of the workshop, students will be divided into small groups and each group will be assigned a specific corpus of texts. The workshop will then consist of an interactive session based on the texts analysed within the groups and presented by each group to the class.

#### 13.00 Lunch break (by invitation only)

#### 14.00 A Europe of Rights: Insight from the European Court of Human Rights case law

**Marilisa D'Amico**, Prorector for Legality, Transparency, Rights and Equality and professor of Constitutional Law at University of Milan

#### 14.30 New Challenges in International Investment Law: Between Economic Interests and Societal Values

##### Interactive lesson\*

Current challenges in international investment law will be explored with a hand-on approach, combining several innovative pedagogies entailing a high level of interaction among participants (case-based learning; group evaluation and discussion; peer



assessment). The case-study will be circulated among the participants divided into groups, together with a number of mandatory readings. Each group will meet together online before the workshop under the supervision of the tutor in order to reach a common position and draft a document. During the workshop, the groups will be invited to present their arguments and peer-assess each other. On more details and timeline see the programme attached.

**Giovanna Adinolfi**, Professor of International Law at University of Milan

**Jana Plaňavová-Latanowicz**, Professor of EU Law at University of Warsaw

**Martina Buscemi**, Assistant Professor of International Law at University of Milan

#### 17.15 General discussion and closing remarks

### Thursday 17 June

#### 9.15 Introductory Lecture: International contracts

**Thomas Pfeiffer**, Director of the Institute for Comparative Law, Conflict of Laws and International Business Law, Professor of Civil Law, Private International Law, Comparative Law and International Dispute Resolution at Heidelberg University

#### 10.00 Coffee Break

#### 10.10 Moot Court – Civil and Commercial Matters

##### Interactive lesson\*

A moot court competition simulates a court hearing, in which participants will analyse a problem concerning civil and commercial matters, they should research the relevant law, prepare written submissions, and present oral argument during this lecture. The “active” participants will be divided into small groups, whereby every group will receive the case via mail.

##### Panelists:

**Stefania Bariatti**, Professor of International Law at University of Milan

**Michele Casi**, Research Fellow of Civil Procedural Law at University of Milan

#### 13.00 Lunch break (by invitation only)

#### 14.00 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

**Cristina M. Mariottini**, Senior Research Fellow, Max Planck Institute Luxembourg for Procedural Law

#### 14.30 Managing Contingencies in Int'l Business Agreement. Drafting Tools

##### Interactive lesson\*

**Mauro Gigante**, Adjunct Professor of Drafting International Contracts at University of Milan

**Ilaria Maspes**, Gianni & Origoni, Milan

The seminar will seek to identify and discuss drafting tools aimed at managing contingencies occurring in the execution of International Business Agreement, including those generated by changes in assumptions and/or outline issues. Attention will be addressed to the impact of governing law, the expected vs unexpected contingencies, standard provisions (force majeure; hardship; material adverse changes; market disruption), bespoke clauses and risk allocation, beware of conflicts (sole remedy, indemnification, cross- default)

#### 17.15 General discussion and closing remarks



Friday 18 June

**9.00 Amicable Conflict Resolution**

**Cross-border Mediation:** **Magdalena Pfeiffer**, Associate Professor of Private International Law and International Business Law at Charles University

**9.30 Psychological Aspects of Conflicts and Mediation:**

**10.00 Coffee Break**

**10.10 Current Challenges in Private International Family Law: Smooth Coordination of EU Regulations and the Quest of Conflict Justice and Harmony of Decisions**

**Interactive lesson\***

A moot court competition simulates a court hearing, in which participants will analyse a problem concerning family matters, they should research the relevant law, prepare written submissions, and present oral argument during this lecture. The "active" participants will be divided into small groups, whereby every group will receive the case via mail.

**Panelists:**

**Cinzia Calabrese**, Chair of Committee of EU Law, Bar Council of Milan

**Ciro Cascone**, Prosecutor at the Juvenile Court of Milan

**Ilaria Viarengo**, Professor of International Law at University of Milan

**Marta Zavadilová**, Lecturer of Private International Law and International Business Law at Charles University

**Jacopo Re**, Assistant Professor of International Law at University of Milan

**13.15 General discussion and closing remarks**

\*Those interested in the Summer School will be requested to indicate whether they intend to attend the Summer School in the form of active or passive participants. Passive participants (see tickets on Eventbrite: (i) "Passive" students (not interested in ECTS), (ii) Italian lawyers – "passive" participants or (iii) Others – "passive" participants) have right to attend the lessons of Summer School in a passive manner, without possibility to be involved in the interactive lessons provided in the Programme. Also, in case that the Summer Course will be held in presence in Milan, passive participants only receive the access code to Zoom platform, where they can assist to the Summer Course online.

Active participants will be requested to register as "active" ones (see tickets on Eventbrite: "Active" students interested in recognizing 3ECTS, (ii) Italian lawyers - "active" participants, (iii) Others – "active" participants and (iv) "Active" students applying for scholarship). To this end, registered participants will be entitled to withdraw from the Summer School through Eventbrite until 16 May (i.e. the date when it will be specified whether the Summer Course will be entirely online or in Milan, depending on the development of pandemic situation). After this date, the registration will be considered as binding, since the active participants will be divided into working-groups and they will be requested to prepare for the activities described in the Programme (in particular see more Detailed description of activities of the single interactive lessons attached).

Active Italian Lawyers and Others should indicate in the registration form whether they desire to be involved in all activities or only some of them (e.g. 1, 2, 3 or 4 interactive modules) and indicate the order of preference between the interactive modules. Although every effort shall be made to accommodate each participant's preferential choices, the organizer reserves the right not to assign all interactive modules indicated as preferential choices (i.e. to assign only some of them) to Italian lawyers and Others, depending on the number of participants who expressed their preferences for each module.

Only active students of 4EU+ Universities, which will be actively involved in (at least) 3 interactive lessons, will have possibility of final recognition of 3 ECTS. The students will be



requested to indicate the order of preference between all 5 interactive modules upon registration. Although every effort shall be made to accommodate each participant's preferential choices, the organizer reserves the right to assign students to any interactive module among the 5 scheduled, depending on the number of participants who expressed their preferences for each module.

The scholarship and mobility allowance for the Summer School will be provided only to candidates which will apply to attend as "Active" students applying for scholarship at Eventbrite and which will be involved in all 5 interactive lessons. The requirements of the scholarship will be published on <https://4euplusduc.ariel.ctu.unimi.it> (in order to access to Ariel, you should register first at: <https://elearning.unimi.it/authentication/skin/ariel2/CreateUser.aspx?url=https://4euplusduc.ariel.ctu.unimi.it:443/v5/home/Default.aspx> (the registration form requires mail, password, name and surname).

[Detailed description of activities](#)



## Foreign Direct Investments and EU-China Relations: Policies and Media Discourse.

*Developing Critical Thinking and Argumentative Skills*

(Simone Dossi – University of Milan; Bettina Mottura – University of Milan)

### 1. Background

The China factor is playing an increasingly important role in orienting the European Union's policy on foreign direct investments. Growing concerns about Chinese investments in critical sectors of the European economy contributed to the EU's introduction of the new foreign direct investment screening framework in 2019. Meanwhile, the EU continued to negotiate a Comprehensive Agreement on Investment (CAI) with China aimed at improving market access and ensuring fair treatment for European investors. Although the text of the agreement was agreed on in principle in December 2020, its prospects remain unclear amid the evolving political dynamics of EU-China relations.

### 2. Detailed description and organization

The aim of the workshop is to locate the EU's evolving foreign direct investment policy in the context of EU-China relations. Students will familiarize with a set of political issues and documents related to: i. the historical evolution of EU-China relations; ii. the current stage of bilateral relations amid intensified U.S.-China competition; iii. China's representation/analysis/views of the EU and its foreign direct investments policy; vi. the prospects for CAI in the current political environment.

In terms of methodology, EU-China relations will be discussed based on the **analysis of a corpus of texts**, including official policy documents from the EU and China as well as journalistic texts from China (in English, French, etc). One month ahead of the workshop, students will be divided into small **groups** and each group will be assigned a specific set of texts, to be analysed in a topic/problem-based perspective through a dialogical interaction with the two lecturers. The workshop will then consist of an interactive session based on the texts analysed within the groups and **presented** by each group to the class

### 3. Timeline

- **18 May 2021**: division into groups, texts distribution and assignment description
- **27 May 2021**: online tutoring and start of group work
- **16 June 2021**: workshop





**New Challenges in International Investment Law:  
Between Economic Interests and Societal Values.**

*Developing Logical Thinking and Argumentative Skills*

(Giovanna Adinolfi – University of Milan; Jana Plaňavová-Latanowicz – University of Warsaw; Martina Buscemi – University of Milan)

**1. In brief**

The workshop is meant to address the most **current legal challenges** in international investment law, focusing, in particular, on human rights claims in the traditional **investor-State dispute settlement** paradigm. By engaging directly in lively group discussion, students will be able to grasp the emerging trends in international investment law, as well as develop logical thinking and argumentative skills.

**2. Detailed description and organization**

Current challenges in international investment law will be explored with a hand-on approach, combining several innovative pedagogies entailing a high level of interaction among participants (case-based learning; group evaluation and discussion; peer assessment). After a general introduction held by Prof. Jana Plaňavová-Latanowicz, the workshop will delve into and discuss a **thought-provoking case study** on an investor-State dispute.

One month ahead of the workshop, the case-study will be circulated among the participants, together with a number of mandatory readings covering the main questions raised by the case, and students will be divided into groups (4 up to 6, depending on the number of participants enrolled). Each group will be asked to address a specific question of international investment law raised by the case-study, from the perspective of the State or the investor. The questions deal with one of the following **fundamental issues** of investment law: a) jurisdiction; b) applicable law; c) merit (e.g., expropriation, fair and equitable treatment standard); d) compensation; e) counterclaim.

Each group will meet together online three weeks before the workshop and, under the supervision of the tutor, will review and discuss the **question assigned** to the group, in order to reach a common position and draft a 3/5-page document to be submitted shortly before the workshop.

During the workshop, the groups will be invited to **present** their arguments (15 minutes) in front of other students and may be invited to answer questions from the Professors. At the end of the presentations, the groups will **peer-assess** each other, according to common criteria defined in an evaluation scheme distributed among participants.

**3. Timeline**

- **16 May 2021**: upload of the case-study and division into groups
- **24 May 2021**: first online tutoring and start of group work
- **13 June 2021**: submission of the common position (5-page document)
- **16-18 June 2021**: workshop and plenary discussion of the case-study



### Moot Court – Civil and Commercial Matters

#### *Developing Logical Thinking and Argumentative Skills*

(Stefania Bariatti – University of Milan; Michele Casi – University of Milan)

#### 1. In brief

A moot court competition simulates a court hearing. Participants will analyse a problem concerning civil and commercial matters and prepare written arguments to be submitted prior to the moot court itself. Participants will then present oral argument during this lecture. After the oral presentations, it will follow a moment for feedbacks and for a short presentation on oral advocacy and public speaking techniques.

The “active” participants will be divided into small groups, one for the Plaintiff and one for the Defendant, whereby every group will receive the case via mail.

#### 2. Detailed description and organization

“The Uniform Code of Military Justice specifies court-martial for any officer who sends soldiers in the battle without a weapon. There ought to be similar protections for students, because students shouldn’t go out into life without the ability to communicate, and that’s because **your success in life will be determined largely by your ability to speak, your ability to write and the quality of your ideas, in that order**” – Professor Patrick H. Winston (1943-2019).

Current challenges in international civil and commercial law will be explored with the *moot court approach*, one of the most common innovative learning techniques in the field of law. A moot court competition allows its participants to acquire knowledge both in the specific field of the law targeted by **the problem** and in the field of oral advocacy and public speaking.

As for the applicable law, the Moot Court in Civil and Commercial Matters of the Summer School on Business Law refers to: (i) the 1980 Vienna Convention on the International Sale of Goods (CISG), as the law for the substantive issues; (ii) the Reg. EU No 1215/2012, for the procedural issues on jurisdiction; (iii) the ALI/UNIDROIT Principles of Transnational Civil Procedure and the ELI/UNIDROIT 2021 Model European Rules of Civil Procedure, for other procedural issues. Such legislative and soft law instruments offer an opportunity to develop knowledge in the field of **transnational civil and commercial disputes and transnational contracts**. Furthermore, reference to the aforementioned UNIDROIT Principles offers an opportunity to reflect on future developments regarding standard rules of civil procedure for the European area.

As for forensic-oral advocacy, candidates will have the opportunity to develop skills relating to rhetoric and public speaking. First, candidates will have to prepare arguments based on legal and logical reasoning. Using a problem inspired by real-life commercial and contractual disputes, candidates should **organize arguments and structure a line of defence** in the interest of their client (Plaintiff or Defendant). This entails the ability to analyse the juridical and the commercial issues at stake and work with the rest of the team to develop the line of arguments. Second, candidates will have to simulate a court hearing and present their arguments orally. The ability to present an argument in front of the court entails a good mastery of **public speaking and communication** skills.

After the moot hearing, the two groups will receive a dynamic evaluation in the form of “**feedbacks**” from the panel and from other students in the classroom. Personalized feedbacks will help each candidate to upgrade her/his skills, as well as help the rest of the class to understand basic principles of legal argumentation and public presentation of the pleadings. During the feedbacks, it will be possible for the panel to give an introduction to the topic of “moot court and basic oral advocacy skills”.

In the legal field (courts and law firm, as well as legal departments in major companies) and in business (whether one is an employee or has its own practice), the job market appreciates candidates that added to their academic career at least one **moot court experience**. Alongside with the possibility to test themselves in an international environment and develop excellent legal English and teamwork skills, moot court participants develop an understanding, on one hand, of the relationship between abstract rules of law and real business transactions and, on the other hand, of the importance to structure and present arguments in a way to favour their position over the parties involved in the transaction or in the dispute resolution process.

#### 3. Timeline

- **19 May 2021**: upload of the moot problem and division into two groups, one for the Plaintiff and one for the Defendant
- **11 June 2021**: submission of the written arguments (draft)
- **17 June 2021**: moot court oral hearing in class





**Current Challenges in Private International Family Law:  
Smooth Coordination of EU Regulations and the Quest of Conflict Justice and Harmony  
of Decisions**

*Developing Logical Thinking and Argumentative Skills*

(Cinzia Calabrese – Chair of Committee of EU Law, Bar Council of Milan; Ciro Cascone,  
Prosecutor at the Juvenile Court of Milan, Ilaria Viarengo – University of Milan; Marta  
Zavadilová – Charles University; Jacopo Re – University of Milan)

### 1. In brief

In the past decade, many EU regulations in the field of private international family law have been enacted, covering various aspects of the discipline, such as maintenance recovery, divorce, parental responsibility, and matrimonial regimes. Each regulation has its own material, territorial and personal scope, thus posing challenges not only to their smooth combined application, but also to the goals of conflict justice and harmony of decisions. The workshop is meant to address the difficulties raised by the coordination of EU regulations and their interplay with national rules, focusing on every function of PIL rules (i.e. jurisdiction, applicable law, recognition and enforcement of judgements, as well as circulation of authentic instruments). Through the adoption of different teaching methodologies, and by engaging both in group discussion and in personal and coordinated research, students will be able to strengthen their expertise on the matter and develop logical thinking, argumentative and team building skills.

### 2. Detailed description and organization

In line with the aims of the Summer school, current challenges in private international family law will be explored with a hand-on approach, combining several innovative pedagogies entailing a high level of interaction among participants (case-based and team-based learning; group evaluation and discussion; peer assessment). After a general introduction held by Prof. Ilaria Viarengo and the presentation of the case-study by Cinzia Calabrese, the workshop will explore the case study on an international family law dispute.

One month prior to the workshop, students will receive the case study, together with a list of relevant compulsory readings, and they will be divided into four small groups. Each group will focus on specific aspects of the case, either on the side of the plaintiff or of that of the defendant. The questions will deal: *i)* on jurisdiction, applicable law and recognition of judgements in matrimonial matters, dissolution of matrimonial property regime, and *ii)* on jurisdiction and applicable law in parental responsibility, child abduction and maintenance recovery.

Three weeks before the workshop, each group will gather online. Under the supervision of a tutor, and the application of the team base learning methodology, the group will discuss the assigned questions and will agree upon the following steps and the distribution of individual tasks. In the following weeks, members of the groups will meet independently and coordinate their work in order to draft a common written pleading, which will be submitted to the panellist shortly before the workshop.

During the workshop, each group will present its oral argument before the other students and the panellist and may be asked to answer further questions by the panellists. At the end of the presentations, the groups will peer-assess each other, with the guidance of the panellists.

### 3. Timeline

- **19 May 2021**: upload of the case-study and division into groups
- **26 May 2021**: first online tutoring and start of group work
- **13 June 2021**: submission of the common position (7/8-page document)
- **16-18 June 2021**: workshop and plenary discussion of the case-study