

Select the right answer to the questions below ticking one (and just one) of the proposed multiple-choice answers

1. International civil disputes:

- a) are only those to which are parties States and other governmental entities
- b) are those that have, in respect of the state where the civil proceedings take place, an international element in it (as, for instance, the foreign nationality of one of the parties, the place of performance of the contract which constitutes the subject-matter of the dispute)
- c) are not permitted in any case, as civil proceedings can be solely national
- d) are always adjudicated by special international courts, established with international treaties for this purpose

2. The EU Regulation 1215/2012 (Brussels I-bis) applies:

- a) in civil and commercial matters, even if a party to the dispute is a State or a governmental entity
- b) in cases where there is a dispute between two Member States
- c) where at least one of the parties is a Member State or another governmental entity and the dispute concerns the exercise of sovereign powers and functions
- d) only and insofar the dispute relates to contracts concluded between two citizens of two different Member States

3. The EU Regulation 1215/2012 (Brussels I-bis):

- a) contains solely provisions for determining jurisdiction in civil and commercial matters
- b) determines which substantive law shall be applied in international disputes
- c) deals with both jurisdiction and recognition and enforcement of foreign judgments in civil and commercial matters
- d) contains solely provisions relating to recognition and enforcement of foreign judgments in civil and commercial matters

4. Under Brussels I-bis regulation, are considered weak parties:

- a) minors and pupils
- b) companies with a turnover less than Euro 100.000,00 per year
- c) all natural persons
- d) the employee, the insured parties, and consumers

5. A choice of court agreement:

- a) is an agreement by which parties determine the substantive law applicable to their legal relationship
- b) is an agreement by which the parties exclude the jurisdiction of all national state courts
- c) is an agreement by which the parties confer jurisdiction to a given national state court in relation to all or certain disputes which have arisen or which may arise between them
- d) is an agreement for determining the place where a future judgment may be exclusively enforced

6. Where a civil proceedings must be initiated against a defendant domiciled abroad:

- a) the proceedings should not be started at all
- b) the proceedings may be initiated and conducted without giving notice of them to the defendant
- c) the proceedings may be started only if the defendant voluntarily makes an appearance

- d) the proceedings shall be started by properly serving the defendant with the document instituting the proceedings and using to that purpose the instruments of civil judicial cooperation in force between the states concerned

7. In international litigation, a *lis pendens* situation arises:

- a) When two identical claims have been already inconsistently decided by the courts of two or more States
- b) When the same claim is pending at the same time before the courts of two or more States
- c) When a claim has been already decided by a court of a State and another proceedings on the same claim is started afterwards
- d) When two identical claims have been consistently decided by the courts of two or more states

8. Taking of evidence abroad

- a) Is not permitted under any circumstances
- b) Is possible solely in case of hearing of witnesses residing abroad but who are nationals of the state where the proceedings take place
- c) Is possible by using the instrument of judicial cooperation that are in force between the states concerned
- d) may take place under the same circumstances and rules under provided for the taking of evidence in the state where the proceedings take place

9. Provisional and protective measures

- a) Can be granted to finally resolve a dispute on the merits
- b) Can be granted to protect on a provisional and temporary basis the rights of the parties
- c) Are aimed at securing the outcome of a dispute when one of the parties is located abroad
- d) Can be granted to secure payment obligations in cases where a first instance court has rendered a judgment in favor of the claimant

Answer to at least 2 of the following questions.

1. Which is the ground of jurisdiction provided for by Brussels I-bis regulation in matters relating to contracts?
2. What's the basic difference between litigation and arbitration?
3. What is the difference between exclusive and non-exclusive choice of court agreements?
4. Who is a consumer under Brussels I-bis regulation?
5. Under which circumstances a party may refuse service according to the provisions lay down by Regulation EU 1784/2020
6. Which are the rules on *lis pendens* provided for in Brussels I-bis regulation and how they operate