

**Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP**

Syllabus

**Regular courses - 2 months courses
Fall Semester 2019**

Global Law Program - Fundação Getulio Vargas

Course: Introduction to Brazilian Legal System

Workload: 30 hours

Credits: 2

Overview:

The main object of this course is to introduce foreign students to the Brazilian Legal system. After a brief overview of the main features of the 1988 Constitution, the course will focus in our system of constitutional review, especially on the role of the Supreme Court. The course will certainly have a comparative perspective, to help students understand the peculiarities of the Brazilian system vis-à-vis their own constitutional systems. The subpart of the *Introduction to Brazilian Legal System* discipline provides an overview of the basic concepts underlying Brazilian tax law. Subjects covered in this introductory course include the assignment of federal and subnational taxes, the main principles and rules of individual and corporate taxation and the tax law treatment of inbound and outbound transactions and investments. Special emphasis is placed on selected issues of Brazilian taxation with an international impact.

The course aims to develop on student's knowledge on the various sources and core concepts of Brazilian tax law, as well as critical analytical skills on the structure of the Brazilian tax system and its policy implications, with a special emphasis on inbound and outbound transactions and investments.

References:

- ✓ Afonso, José Roberto; Barroso, Rafael, BRAZILIAN TAX AFFAIRS (Latin American and Caribbean Law and Economics Association Annual Papers, 2007) (transcript available at: <http://www.escholarship.org/uc/item/1rf7690j>).
- ✓ Rubinstein, Flavio, *Brazil*, in TAX ASPECTS OF FISCAL FEDERALISM: A COMPARATIVE ANALYSIS, (Claudio Sacchetto and Gianluigi Bizzoli, ed.), Amsterdam: IBFD, (forthcoming; an electronic draft will be circulated by the professor).
- ✓ Afonso, José Roberto; Rezende, Fernando, THE BRAZILIAN FEDERATION: FACTS, CHALLENGES AND PROSPECTS (Stanford University Center for Research on Economic Development and Policy Reform, Working Paper 149, 2002) (transcript available at: <http://www.stanford.edu/group/siepr/cgi-bin/siepr/?q=system/files/shared/pubs/papers/pdf/credpr149.pdf>).
- ✓ McLure, Charles E, *The Brazilian Tax Assignment Problem: Ends, Means and Constraints*, in A REFORMA FISCAL NO BRASIL, São Paulo: Fundação Instituto de Pesquisas Econômicas, 45-71 (1993).
- ✓ Schoueri, Luís Eduardo, *National Report: Brazil*, in THE EU AND THIRD COUNTRIES: DIRECT TAXATION (Michael Lang; Pasquale Pistone, ed.), Viena: Linde, 639-681 (2007).
- ✓ CONTRIBUTION TO THE HISTORY OF TAX TREATIES: THE BRAZILIAN EXPERIENCE (2008) (transcript available at: <http://www2.wu-wien.ac.at/taxlaw/events/Conferencepapers/Rust2008/NRRust2008BrazilSchoueri.pdf>).
- ✓ Souza, Celina, *Brazil's Tax System: The Dilemmas of Policy Reform* (Fondation canadienne pour les Amériques Working Paper FPP-05-02, 2002) (transcript available at: http://www.focal.ca/pdf/brazil_tax.pdf).
- ✓ Ter-Minassian, Teresa, *Brazil*, in FISCAL FEDERALISM IN THEORY AND PRACTICE (Teresa Ter-Minassian ed.), Washington: International Monetary Fund, 438-456 (1997).
- ✓ World Bank, BRAZIL: ISSUES IN FISCAL FEDERALISM (Report No. 22523-BR, 2002) (transcript available at: <http://siteresources.worldbank.org/BRAZILINPOREXTN/Resources/3817166-1185895645304/4044168-1186403960425/51IssuesFiscalFederalism.pdf>).

Global Law Program - Fundação Getulio Vargas

Course: Public Governance and Agreements

Workload: 30 hours

Credits: 2

Overview:

Punishment is the answer for wrongdoing. This is the main idea that structures legal systems aimed at deterring illegalities. For this idea, many punishment tools have been designed and tailored to address the global problem of corruption. In a comparative perspective, a recent phenomenon has been ongoing flourished: authorities tend to engage more often in agreements instead of punishment. Settlements, deferred prosecution agreements, substitutive agreements are some examples encompassed in environmental, antitrust, securities markets, and in so many other fields. This course tackles agreements in a broad perspective. The main goal is to discuss the primary reasons that might help explaining the emergence of agreements, analyze the primary consensual dynamics and correspondent tools, and get acquaintance to global experiences. Classes request intensive student participation. The first part of the class is for discussion of the students' reaction papers based on the material assigned. Global experiences with agreements take place in the second part of the class considering students' seminars as a starting point.

References:

To be assigned.

Global Law Program - Fundação Getulio Vargas

Course: Contract and the CISG

Workload: 30 hours

Credits: 2

Overview:

The aim of the course is offering knowledge of the rules and principles of the CISG, as well as aspects of the international theory and jurisprudence on CISG and of the comparative terminology used.

By comparison with international principles (Principles of European Contract Law (PECL) and UNIDROIT and domestic legislation (U.S. Uniform Commercial Code (UCC) and Brazilian Civil Code), the course objective is to offer concrete analysis of CISG rules through case method, helping students do develop specific competences to deal with international sales contracts.

Students will be introduced to the structure, principles and rules of the CISG so they will become capable to apply the CISG to real life situations.

The course will concentrate on the following main legal topics:

1. Field of application of the CISG, CISG reservations, questions of jurisdiction and domestic law
2. General principles of the CISG and their application
3. Formation of contract (offer and acceptance)
4. Formation of contract (public offer)
5. Rights and obligations of the parties (breach)
6. Rights and obligations of the parties (damages)
7. Risk management and distribution
8. Remedies by breach of obligations

References:

- ✓ DIMSEY, Mariel, FOUNTOULAKIS, Christiana, and SCHWENZER, Ingeborg. International sales law, a guide to CISG. Oxford: Hart Publishing, 2012.
- ✓ GRAZIANO, Thomas Kadner. Comparative contract law. New York: Palgrave Macmillan, 2010.
- ✓ SCHWENZER, Ingeborg (editor). Commentary on the UM convention on the international sale of goods (CISG), 3RD ed. Oxford: Oxford University Press, 2010.
- ✓ MARTINUSSEN, Roald. Overview of international CISG sales law. Lexington, NY: 2006

Global Law Program - Fundação Getulio Vargas

Course: M&A: hot topics and challenges in Brazilian and International practice

Workload: 30 hours

Credits: 2

Overview:

The purpose of this course is three-folded:

- (1) to provide a broad overview of the structuring and development of M&A transactions, including key players, deal motivation and common structures, the due diligence process and management role;
- (2) to debate hot topics in connection with M&A documentation; and
- (3) to discuss policy matters faced by courts addressing M&A challenging issues.

This course will look into real life transactions to further the purposes mentioned above. We may have two or three guest speakers who will offer their invaluable insights during short presentations.

References:

- ✓ CARNEY, William J. Mergers and Acquisitions: cases and materials. New York: Foundation Press, 2011.
- ✓ DEPAMPHILIS, Donald. Mergers, acquisitions, and other restructuring activities : an integrated approach to process, tools, cases, and solutions. San Diego : Elsevier, 2015.
- ✓ ADAMS, Kenneth A.. A Legal-Usage Analysis of "Material Adverse Change" Provisions. Fordham Journal of Corporate & Financial Law. v. 10, n. 1, p. 9-53, 2004.
- ✓ AGUIAR, Anelize S. The Law Applicable to International Trade Transactions with Brazilian Parties: A Comparative Study of the Brazilian Law, the CISG, and the American Law About Contract Formation. Revista Brasileira de Arbitragem, v. IX, n. 33, p. 38-82, 2012.
- ✓ ALVES, Daniel Rodrigues. Determinabilidade, negociação e elaboração das cláusulas de preço contingente (earn-out) nas operações de compra e venda de participação societária ou de estabelecimento e análise de conflitos à luz do princípio da boa-fé objetiva. 2016. 87 f. Dissertação (Mestrado Profissional em Direito) - FGV Direito SP, Fundação Getulio Vargas, 2016. Disponível em <http://bibliotecadigital.fgv.br/dspace/handle/10438/17494> . Acesso em 17 Jun 2019.
- ✓ BORN, Gary B.. Chapter 3: Drafting International Arbitration Agreements. In International Arbitration and Forum Selection Agreements: Drafting and Enforcing. 4th e, Kluwer Law International, 2013, p. 37-40.
- ✓ BRAGHETTA, Adriana. A Importância da Sede da Arbitragem. In: Selma Ferreira Lemes; Carlos Alberto Carmona; Pedro Batista Martins. (Org.). Arbitragem - Estudos em Homenagem ao Prof. Guido Fernando da Silva Soares, In Memoriam. 1 e., São Paulo: Atlas, 2007, v. 1, p. 18-32.
- ✓ BUSCHINELLI, Gabriel S. Compra e Venda de Participações Societárias de Controle. São Paulo: Quartier Latin, 2018.

- ✓ DELOITTE. Seizing sell-side M&A opportunities in Brazil. May 2018. Disponível em <https://www2.deloitte.com/content/dam/Deloitte/global/Documents/Mergers-and-Acquisitions/gx-ma-sell-side-brazil-report.pdf> . Acesso em 14 Jun 2019.
- ✓ DIVINCENZO, Melissa. Repose vs. Freedom – Delaware’s prohibition on extending the statute of limitations by contract: what practitioners should know. Delaware Law Review. v. 12, p. 29-53, 2010.
- ✓ EPSTEIN, Barry J. Earn out agreements: accounting pitfalls for buyers and sellers. Chicago Bar Association Record. v. 21, p. 30-35, 2007.
- ✓ GAUGHAN, Patrick O. Mergers, Acquisitions and Corporate Reestructurings. 4 e., Wiley, 2007.
- ✓ GILSON, Ronald J.; BLACK, Bernard S. The Law and Finance of Corporate Acquisitions. Westbury: Foundation Press, 1995.
- ✓ HATCHARD, Michael E.; SIMPSON, Scott V. Mergers and Acquisitions 2018. 7 e. Disponível em http://www.veirano.com.br/upload/content_attachments/694/Global_Insights_2018_M_A_Brazil_Original.pdf . Acesso em 14 Jun 2019.
- ✓ HOTCHKISS, Edith S. et al. Bankruptcy and the Resolution of Financial Distress. Chapter 14 of The Handbook of Corporate Finance: Empirical Corporate Finance, v. 2, Elsevier, 2008. Available at <https://ssrn.com/abstract=1086942> . Acesso em 14 Jun 2019.
- ✓ J.P. Morgan. 2018 Global M&A Outlook – Navigating consolidation and disruption. Disponível em <https://www.jpmorgan.com/jmpdf/1320744801603.pdf> . Acesso em 14 Jun 2019.
- ✓ LANGEVOORT, Donald. The Behavioral Economics of Mergers and Acquisitions. Transactions: The Tennessee Journal of Business Law. v. 12, p. 65-79, 2011.
- ✓ LIPSHAW, Jeffrey M.. Of fine lines, blunt instruments, and half-truths: business acquisition agreements and the right to lie. Delaware Journal of Corporate Law. v. 32, p. 431-476, 2007.
- ✓ MILLER, Robert T. Canceling the Deal: Two Models of Material Adverse Change Clauses in Business Combination Agreements. Cardozo Law Review. v. 31, p. 99-204, 2009.
- ✓ MILLER, Robert T. The Economics of Deal Risk: Allocating Risk Through MAC Clauses in Business Combination Agreements. William & Mary Law Review. v. 50, n. 6, p. 2007-2103, 2009.
- ✓ MIZIOLEK, Aleksandra; ANGELAKOS, Dimitrios. Contract Drafting: Sandbagging: From Poker To The World Of Mergers And Acquisitions. Michigan Bar Journal. v. 92, p. 30-34, 2013.
- ✓ PETER, Wolfgang. Arbitration of Mergers and Acquisitions: Purchase Price Adjustment Disputes. Arbitration International. v. 19, n. 4, p. 491-505, 2003.
- ✓ PIERANTONI, Alexandre. Disponível em <https://www.duffandphelps.com/-/media/assets/pdfs/publications/mergers-and-acquisitions/brazil-ma-activity-rebounds-with-strong-momentum-poised-to-continue-throughout-2018.ashx> . Acesso em 14 Jun 2019.
- ✓ RODAS, João Grandino. Elementos de conexão em Direito Internacional Privado Brasileiro relativamente às obrigações contratuais. In ARAUJO, Nadia (Org.). Contratos Internacionais. São Paulo: RT, 2002, p. 49-59.
- ✓ SALLES DE TOLEDO, Paulo F.; POPPA, Bruno. UPI e Estabelecimento: uma visão crítica. In Direito das Empresas em Crise: Problemas e Soluções. São Paulo: Quartier Latin, 2012, p. 265-294.
- ✓ SIEDEL, George J. The Double Liar Dilemma in Business Negotiations. Stanford Journal of Law, Business & Finance. v. 17, p. 1-24, 2011.
- ✓ SUNDSTROM, Eric. Tall Steps, Slippery Slopes & Learning Curves in the Behavioral Economics of Mergers and Acquisitions. Transactions: The Tennessee Journal of Business Law. v. 12, p. 99-105, 2011.
- ✓ STARK, Tina L. Non-Binding Opinion: Another View on Reps and Warranties. Business Law Today, v. 15, n. 3, 2006. Disponível em <https://ssrn.com/abstract=1886357>. Acesso em 14 Jun 2019.
- ✓ THREET, Hunter C. The definition of Material Adverse Change: Balancing Risk in Merger Agreements under Delaware Law. Transactions: The Tennessee Journal of Business Law. v. 18, p. 1007-1028, 2017.

- ✓ WHITEHEAD, Charles K. Sandbagging: Default Rules And Acquisition Agreements. Delaware Journal of Corporate Law. v. 36, p. 1081-1115, 2011.
- ✓ ZERBE, Alana A.. The Material Adverse Effect Provision: Multiple Interpretations & Surprising Remedies. The Journal of Law and Commerce. v. 22, p. 17-35, 2002

**Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP**

Syllabus

**Visiting Professor – Short Term Courses
Fall Semester 2019**

Global Law Program - **Visiting Professor**

Course: Criminal Law in the Digital Turn: Do we need legal reforms

Workload: 15 hours

Credits: 1

Overview:

The use of modern IT technologies affects all areas of life – including the legal system and criminal justice (1.). The employment of robots in industry and private households raises new problems, with regard to criminal liability (2.) and data protection, especially with regard to evidence gathering in criminal proceedings (3.). Furthermore, the success of bitcoin and the development of other block-chain technology triggered a debate on new approaches to regulation if in certain areas P2P self-executing transactions concur with law enforcement, which raised a basic debate on code vs law and its implications on criminal law (4.). At the same time big data-applications are used in different areas of the criminal justice system: predictive policing and risk assessment in the penal system may be only the first two examples (5.). In all these fields the question arises whether legal systems are prepared to face the various challenges of the digital turn. Using criminal law as an example the course will discuss this question in detail in five lectures:

1. Criminal Law and the Digital Turn: Introduction;
2. Criminal liability and Intelligent Agents: The case of self-driving cars;
3. Data protection and evidence gathering in criminal proceedings: Can your fridge be a witness against you?;
4. Blockchain and the Law vs Code debate: The case of bitcoin in criminal law;
5. Profiling in Criminal Justice: The case of predictive policing and risk assessment in prisons.

The objective of the course is to make students understand the legal challenges brought by the use of modern IT technologies, including robots, neuronal networks and Artificial Intelligence (AI) as well as big data applications and block-chain technology for law as a regulative system and for criminal justice regulation in particular. With new intelligent agents on the rise, legal systems may fall short if they remain human-centered as they are. With the development of the block-chain technology lawyers may have to redefine their functions. With more big data applications in criminal justice legal officers may have to alter working approaches etc.

The course shall be taught in five lectures which cover

- 2-3hrs presentation explaining the legal problems;
- 2hrs collaborative working groups identifying the gaps in current Brazilian laws and drafting proposals for new statutes in the respective field;
- 1hr discussion and summing up.

The lectures will cover traditional legal methods as well as a legal comparative approaches. During the collaborative work students will be instructed to use their legal expertise addressing the new challenges, and sometimes to think outside the box.

References:

To be assigned.

Global Law Program – **Visiting Professor**

Course: Do Human Rights Work? The Politics and Judicialization of Health in Brazil

Workload: 15 hours

Credits: 1

Overview:

The idea of a human right to health goes back at least to the constitution of the World Health Organisation of 1946 and is now firmly established both in international and domestic laws. 166 countries have ratified the International Covenant on Economic, Social and Cultural rights, whose article 12 recognises a “right of everyone to the enjoyment of the highest attainable standard of health”. More than two thirds of the constitutions of all nations have also recognised the right to health in some form or another.

Yet, the reality of health conditions around the world, despite significant improvements in the past few decades, remains disheartening. According to the latest statistics of the World Health Report of 2017, 830 women still die every day of complications during pregnancy or childbirth, 155 million children under the age of five were stunted in 2016. Of the 36.7 million people living with HIV, less than half (18.2 million) were on antiretroviral therapy.

Are we to conclude that the human right to health has been of no, or very little significance, as some have recently argued (Posner, *Twilight of Human Rights Law*; Moyn, *Not Enough*)? Is the right to health just another “phantom right” that is “systematically marginalized” alongside other social and economic rights, as the UN Special Rapporteur on Poverty, Alstom, has stated?

I address these questions through a more detailed and focused analysis than it is often seen in the literature. In my view, although it may be possible to draw some interesting insights about the effectiveness of human rights law in general, these insights will be necessarily limited due to inevitable and crucial variations related to specific rights and local contexts.

I focus therefore on the experience of 30 years of the right to health in Brazil in an attempt to improve our understanding of the complex role played by human rights in our messy real world.

Obs. This course is based on the forthcoming book, O.L.M. Ferraz, *Health as a Human Right. The Politics and Judicialization of Health in Brazil* (Cambridge University Press, 2020)

References:

To be assigned

Global Law Program - Visiting Professor

Course: Rule by Law in China: a Condensed course on the Development of Chinese Law

Workload: 15 hours

Credits: 1

Overview:

This condensed course will provide a comprehensive overview of law and politics, in its historical and cultural contexts, in 20th and 21st-century China. It will introduce Brazilian students to the distinctive paradigms and discursive patterns of law and politics in China. This course is intended to foster comparative analysis and critical thinking.

The course initially will focus upon modern Chinese history since 1840. Particular attention will be paid to traditional Chinese views on the role of law in society and the legal and political aspects of early Sino-Western interaction. The second part of the course will focus on substantive laws, high profile legal cases, and major political events in the People's Republic of China today. The course will conclude by examining current issues from both sides and China's argument for the "Beijing Consensus" – essentially a new type of capitalism without the Western style rule of law. The classes will progress by way of interactive discussion and critical readings of historical documentation and legal texts.

This course is designed to break through the traditional dichotomy of "Chinese learning v. Western learning" to interpret legal cases, political events, and cultural phenomena from a comparative perspective, exposing the hidden rationales underscoring the historical and ideological narratives, and revealing frequent misunderstandings that occur during the process of finding commonalities in different cultures. The students will be encouraged to use critical thinking to argue, to test whether the incommensurability of paradigms can be reconciled, and to explore how different political systems and cultures can communicate and exchange ideas effectively.

This course will take a comparative law approach in discussing the development of legal and political discourses, and the ever increasing influence of Western jurisprudence and political science, in modern and contemporary China. We will discuss at length the formation of "Rule by Law" as a "grand narrative" in its historical context, the controversy around different interpretations of "Human Rights," and the burgeoning civil rights movements in the Mainland.

The course will examine Western influences in specific areas of Chinese society and what role Western jurisprudence and democracy have played in the "modernization" of China. Attention will be given to cross-cultural misunderstanding and misinterpretation, and the interaction between culture and law.

Students will be given an opportunity to look at China's place in the world, to evaluate general assumptions of the universal values, to describe dominant ideology and their developments and variations, and to compare and contrast legal conventions and beliefs of different cultures. This course will help students to develop a better understanding of the political system and culture of China from a comparative perspective and to predict legal actions and outcomes across cultures from a practical point of view.

Readings for the course will include translated laws, regulations and party policies, legal cases, historical documents, and commentaries. Viewings for the course will include selected feature and documentary film clips relating to the Chinese legal and political systems, as well as Chinese artistic expressions devoted to human rights.

References:

Required:

- ✓ Rule by Law in China: A Reader (in PDF format to be distributed electronically), including selected Chinese statutes, Chinese cases, and law review articles.

Optional:

- ✓ Inside China's Legal System, by Chang Wang and Nathan Madson, Chandos Publishing, 2013. The Search for Modern China, Third Edition, by Jonathan Spence, W. W. Norton & Company, 2012.

Global Law Program – Visiting Professor

Course: Shareholder Activism in the US

Workload: 15 hours

Credits: 1

Overview:

This short-term course will focus on the practice and regulation of shareholder activism in US publicly traded companies. Shareholder activism and institutional investors voting practices are one of the most hotly debated topics in the US. This short course will provide students with a better understanding of the role of shareholder activism in the current corporate governance landscape in the US. After examination of the legal and economic impediments to shareholder involvement in corporate affairs, we will proceed to examine the ways in which some shareholders have sought to influence the governance of firms. The class will discuss the various forms of activism (from proxy fights to shareholder proposals and engagement by institutional investors), and the role of the Securities and Exchange Commission in regulating shareholder actions and communications. We will also survey the different players in the shareholder activism landscape, including money managers, hedge funds; union and public pension funds, and shareholder advisory firms. Finally, the class will also touch on some of the prominent topics eliciting shareholder pressure including dual class shares, gender diversity, executive compensation, and corporate social responsibility.

The course readings will combine academic articles, empirical work and news articles. Roughly 70% of the class will be based as a lecture with the other 30% used for active learning through several simulations during the week (e.g. Kahoot quizzes, researching on the SEC EDGAR system, analyzing proxy guidelines and white papers, and negotiating a settlement between an activist and a company).

References:

To be assigned

Global Law Program – **Visiting Professor**

Course: Data Protection Law in the European Union

Workload: 15 hours

Credits: 1

Overview:

This course deals with the legal framework of the protection of personal data in the European Union. Students that finish the course will be able to understand:

- a) the context of personal data processing and the tension between different interests at stake;
- b) the protection of personal data as a fundamental right;
- c) the general framework for the protection of personal data provided for in General Data Protection Regulation.

1. The fundamental right to personal data protection
 - 1.1. From the “right to be let alone” in the USA to the adoption in the constitutions and in international treaties
 - 1.2. Scope of the constitutional protection
 - 1.3. Related fundamental rights: personal identity, personality development, private and family
 - 1.4. The tension with other fundamental rights
2. The legal framework of personal data protection in the European Union
 - 2.1. From the Directive 95/46 to the General Regulation on Data Protection
 - 2.2. Scope
 - 2.2.1. Objective: the concepts of “personal data” and “processing”
 - 2.2.2. Subjective: the concepts of “processor”, “controller”, “data subject” e supervisory authority.
 - 2.2.3. Geographic: the extraterritoriality
 - 2.3. The processing of personal data
 - 2.3.1. Guiding principles
 - 2.3.2. Conditions for the lawfulness of the processing of personal data
 - 2.3.3. Obligation of the processors and controllers
 - 2.3.4. Data transfers for third States
 - 2.4. Data subjects rights
3. Personal data protection enforcement mechanisms
 - 3.1. The supervisory authority and the European comity on data protection
 - 3.2. The courts

The course will have doctrinal lessons where the teacher present the syllabus. In these lessons, the students are invited to participate by asking questions and making comments.

The assessment consists on a commentary (maximum of 5000 words) to a decision of the European Court of Justice regarding data protection.

References:

- ✓ Tratado da União Europeia / Treaty of the European Union
- ✓ Carta dos Direitos Fundamentais da União Europeia / Charter of Fundamental Rights of the European Union
- ✓ Regulamento (UE) 2016/679 do Parlamento Europeu e do Conselho, de 27 de abril de 2016, relativo à

- proteção das pessoas singulares no que diz respeito ao tratamento de dados pessoais e à livre circulação desses dados e que revoga a Diretiva 95/46/CE / Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC
- ✓ Danilo Doneda, Da privacidade à proteção de dados pessoais, Renovar, 2005
 - ✓ Gloria González Fuster, The Emergence of Personal Data Protection as a Fundamental Right of the EU, Springer, 2014
 - ✓ Orla Lynskey, The Foundations of EU Data Protection Law, Oxford University Press, 2015
 - ✓ Paul Voigt e Axel von dem Bussche, The EU General Data Protection Regulation (GDPR) – A Practical Guide, Springer, 2017
 - ✓ Francisco Pereira Coutinho e Graça Canto Moniz (coord.), Anuário da Proteção de Dados, CEDIS, 2018
 - ✓ AEDF, CE, AEPD, Handbook on EU data protection law, 2018
 - ✓ Filipa Calvão, Direito da Proteção de Dados Pessoais, Universidade Católica, 2018
 - ✓ J. L. Mañas (dir.), Reglamento General de Protección de Datos. Hacia um nuevo modelo europeo de privacidade, Reus, 2018

Global Law Program – **Visiting Professor**

Course: International Law and New Cyber Reality

Workload: 15 hours

Credits: 1

Overview:

The course «International Law and New Cyber Reality» is thought to give students an understanding of how development of informational technologies has been met by International Law. It is supposed to provide guidance in questions concerning identification and interpretation of legal norms and appreciation of their sufficiency and adequacy to govern new developments and to discover in which fields the law is lacking or need to be modified. But this course is not limited to a positivistic ally tailored legal sphere only and seeks to critically assess the stance of the broader field by the means of analysis of main actors, their interests, relation to power and possibilities to participate in creation of norms. Thus, the course covers different fields and branches of International Law, including Use of Force (jus contra bellum), International Humanitarian Law (jus in bello) and Law of Neutrality, International Human Rights Law, Law of International Responsibility (with a special emphasis on evidentiary issues) and Principle of non-intervention into domestic affairs of other states. The course is based on analysis of existing sources of International Law (international treaties, customs, general principles of law), case law of the International Court of Justice, the European Court of Human Rights. It seeks to discover an attitude of states to this sphere, including relevant national legislation and judicial decisions, as well as activities of UN Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security. The course will also encourage students to get familiar with and evaluate endeavors of academia to find appropriate ways to deal with a new kind of relations, facts and processes. In particular, to analyze approaches represented in two Tallinn Manuals on the International Law Applicable to Cyber Warfare (2013) and to Cyber Operations (2017)). Students will be encouraged to take an active part in the course by discussing materials given as a home reading and solving study cases.

References:

- ✓ Tallinn Manual on the International Law Applicable to Cyber Warfare, OUP (2013)
- ✓ Tallinn Manual on the International Law Applicable to Cyber Operations, OUP (2017)
- ✓ d'Aspremont, J 2016, 'Cyber operations and international law: An Interventionist legal thought' Journal of Conflict and Security Law, vol. 21, no. 3, pp. 575-593.
- ✓ Radziwill Y 2015, Cyber-Attacks and the Exploitable Imperfections of International Law. Brill/Nijhoff.
- ✓ Roscini, M 2015, 'Evidentiary Issues in International Disputes Related to State Responsibility for Cyber Operations' Texas International Law Journal, vol. 50, no. 2. pp. 233 - 273.